

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL J. MISKE, JR.,)
)
 Defendant.)

CRIMINAL NO. 19-00099-DKW

Honolulu, Hawaii

May 16, 2024

TESTIMONY OF HUNTER WILSON

PARTIAL TRANSCRIPT OF JURY TRIAL (DAY 72)
BEFORE THE HONORABLE DERRICK K. WATSON,
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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United States District Court
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced with computer-aided transcription (CAT).

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1 May 16, 2024 11:38 a.m.

2 --oo0oo--

11:38AM 3 MR. INCIONG: Thank you, Your Honor. The United

11:38AM 4 States calls Hunter Wilson.

11:39AM 5 THE CLERK: Please raise your right hand.

11:39AM 6 HUNTER WILSON,

11:39AM 7 called as a witness, having been first duly sworn, was examined

11:39AM 8 and testified as follows:

11:39AM 9 THE CLERK: Please be seated.

11:39AM 10 Please state your full name, spelling your last name

11:39AM 11 for the record.

11:39AM 12 THE WITNESS: My name is Hunter Wilson. W-I-L-S-O-N.

11:39AM 13 DIRECT EXAMINATION

11:39AM 14 BY MR. INCIONG:

11:39AM 15 Q Good morning -- or, yes, still morning. Good morning,

11:39AM 16 Mr. Wilson. How old are you, sir?

11:39AM 17 A Twenty-eight.

11:39AM 18 Q Where did you grow up?

11:39AM 19 A Ka'a'awa on the east side of Oahu.

11:39AM 20 Q Did you spend all your childhood here on Oahu?

11:40AM 21 A Yes.

11:40AM 22 Q Do you have any siblings?

11:40AM 23 A Yes.

11:40AM 24 Q How many?

11:40AM 25 A Five sisters, one brother.

11:40AM 1 Q Where are you in the order?

11:40AM 2 A Second oldest.

11:40AM 3 Q Where did you go to high school?

11:40AM 4 A Kahuku and Castle.

11:40AM 5 Q Did you graduate from one of those schools?

11:40AM 6 A Yes, Kahuku.

11:40AM 7 Q What year was that?

11:40AM 8 A 2013.

11:40AM 9 Q After high school, what were you doing?

11:40AM 10 A Selling drugs.

11:40AM 11 Q What kind of drugs were you selling?

11:40AM 12 A Crystal meth.

11:40AM 13 Q How did you get involved in that?

11:40AM 14 A Using drugs.

11:40AM 15 Q Were you using crystal meth yourself at the time?

11:40AM 16 A Yes.

11:40AM 17 Q How old were you when you started using crystal meth?

11:40AM 18 A Sixteen.

11:40AM 19 Q Were you a regular user?

11:40AM 20 A Yeah.

11:40AM 21 Q Would you say you were addicted?

11:40AM 22 A Yeah.

11:40AM 23 Q Why did you choose to start selling drugs instead of just

11:41AM 24 using them?

11:41AM 25 A Support my habit and to make money.

11:41AM 1 Q It's an expensive habit?

11:41AM 2 A Yeah.

11:41AM 3 Q How much were you spending a day to support your habit,

11:41AM 4 would you say?

11:41AM 5 A Like two, \$300 a day.

11:41AM 6 Q Were you selling any other drugs other than crystal

11:41AM 7 methamphetamine?

11:41AM 8 A Marijuana.

11:41AM 9 Q What kinds of amounts as far as quantity were you selling

11:41AM 10 of those drugs when you first started?

11:41AM 11 A A few ounces.

11:41AM 12 Q Did that increase over time?

11:41AM 13 A Yes.

11:41AM 14 Q Who were you getting your drugs from?

11:41AM 15 A Jake Smith.

11:41AM 16 Q How did you know Jake Smith?

11:41AM 17 A I grew up with him.

11:41AM 18 Q Is he someone you went to school with?

11:41AM 19 A Yeah, hung around with.

11:41AM 20 Q Was Jake about the same age as you or was there an age

11:42AM 21 difference?

11:42AM 22 A Couple years older.

11:42AM 23 Q Would you consider Jake to be your main supplier?

11:42AM 24 A Yes.

11:42AM 25 Q I'll ask you little bit more about Jake Smith in a minute,

11:42AM 1 but I want to direct you to May 4th of 2018. So this would be
11:42AM 2 about five years after you graduated from high school?
11:42AM 3 A Yes.
11:42AM 4 Q Had you been selling drugs consistently during that
11:42AM 5 five-year period?
11:42AM 6 A Yeah, off and on.
11:42AM 7 Q Okay. On May 4th of 2018, were you arrested by the
11:42AM 8 Honolulu Police Department?
11:42AM 9 A Pulled over.
11:42AM 10 Q Okay. Where were you pulled over?
11:42AM 11 A Castle High School -- across Castle High School in
11:42AM 12 Kaneohe.
11:42AM 13 Q Where were you headed to at that time?
11:42AM 14 A Meet some -- meet somebody to drop off drugs.
11:42AM 15 Q Who was that somebody?
11:43AM 16 A Tim Taboada.
11:43AM 17 Q Was that a customer of yours?
11:43AM 18 A Yeah.
11:43AM 19 Q Was he also a friend?
11:43AM 20 A Yeah.
11:43AM 21 Q Did you have drugs in your vehicle that you were going to
11:43AM 22 take to Mr. Taboada?
11:43AM 23 A Yes.
11:43AM 24 Q What kind of drugs?
11:43AM 25 A Crystal meth.

11:43AM 1 Q What quantity?

11:43AM 2 A Two pounds.

11:43AM 3 Q Where had you gotten those drugs from?

11:43AM 4 A Took it from -- broke into Eddie Wong's car and took it

11:43AM 5 from his car.

11:43AM 6 Q Who is Eddie Wong?

11:43AM 7 A Somebody else I used to get drugs from.

11:43AM 8 Q You found out he had these drugs in his -- his car?

11:43AM 9 A Yes.

11:43AM 10 Q And you basically stole them from him?

11:43AM 11 A Yes.

11:43AM 12 Q Without his permission?

11:43AM 13 A Yes.

11:43AM 14 Q Had you just obtained those drugs that same day when you

11:43AM 15 were taking them to Mr. Taboada?

11:43AM 16 A Yes.

11:43AM 17 Q So when you were pulled over by the police, where was that

11:43AM 18 exactly?

11:43AM 19 A In the trunk.

11:44AM 20 Q Let me clarify the question. Where were you pulled over?

11:44AM 21 A Oh, Castle -- across Castle High School.

11:44AM 22 Q Is that on Kaneohe Bay Drive?

11:44AM 23 A Yes.

11:44AM 24 Q Did you think you were in trouble at that point?

11:44AM 25 A Yeah.

11:44AM 1 Q Did the police ask you to get out of the car?

11:44AM 2 A Yes.

11:44AM 3 Q Did they search your car?

11:44AM 4 A Yes.

11:44AM 5 Q Did they find the drugs?

11:44AM 6 A Yes.

11:44AM 7 Q Where were the drugs?

11:44AM 8 A In the trunk.

11:44AM 9 Q And you knew the quantity as well?

11:44AM 10 A Yeah.

11:44AM 11 MR. INCIONG: Your Honor, could we show the witness

11:44AM 12 only Exhibit 1-761 at this time from our original list?

11:44AM 13 THE COURT: Yes.

11:44AM 14 BY MR. INCIONG:

11:44AM 15 Q Mr. Wilson, do you see the photo that's marked as

11:44AM 16 Exhibit 1-761?

11:44AM 17 A Yes.

11:44AM 18 Q Do you recognize what's shown there?

11:44AM 19 A Yes.

11:44AM 20 Q How do you recognize that?

11:44AM 21 A That was the drugs that was in the car.

11:45AM 22 Q Does that show how they appeared and what those drugs were

11:45AM 23 contained in the day you were pulled over by Honolulu Police

11:45AM 24 Department on May 4th of 2018?

11:45AM 25 A Yes.

11:45AM 1 MR. INCIONG: I would move to admit 1-761.

11:45AM 2 THE COURT: Any objection?

11:45AM 3 MR. KENNEDY: No objection.

11:45AM 4 THE COURT: 1-761 is admitted, and you may publish.

11:45AM 5 (Exhibit 1-761 was received in evidence.)

11:45AM 6 MR. INCIONG: Thank you, Your Honor.

11:45AM 7 BY MR. INCIONG:

11:45AM 8 Q So this is the two pounds ever crystal methamphetamine,
11:45AM 9 Mr. Wilson?

11:45AM 10 A Yes.

11:45AM 11 Q Was that some sort of bag that those were contained in?

11:45AM 12 A Yeah.

11:45AM 13 Q Is that what the drugs were held in when you took them
11:45AM 14 from Eddie Wong's car?

11:45AM 15 A Yes.

11:45AM 16 MR. INCIONG: Could we show Mr. Wilson only
11:45AM 17 Exhibit 1-762, please?

11:45AM 18 THE COURT: Yes.

11:45AM 19 BY MR. INCIONG:

11:45AM 20 Q Mr. Wilson, do you recognize what's shown in this picture?

11:45AM 21 A Yes.

11:45AM 22 Q Do you recognize those as being the -- some of the bags of
11:45AM 23 the methamphetamine that were contained in that larger canvas
11:45AM 24 bag?

11:45AM 25 A Yes.

11:45AM 1 MR. INCIONG: Your Honor, I would move to admit 1-762.

11:45AM 2 THE COURT: Any objection?

11:45AM 3 MR. KENNEDY: No objection.

11:45AM 4 THE COURT: 1-762 is admitted as well. You may

11:46AM 5 publish.

11:46AM 6 (Exhibit 1-762 was received in evidence.)

11:46AM 7 MR. INCIONG: Thank you.

11:46AM 8 BY MR. INCIONG:

11:46AM 9 Q Mr. Wilson, do you recognize what's shown there?

11:46AM 10 A Yes.

11:46AM 11 Q Those are the bags of methamphetamine that you took from

11:46AM 12 Eddie Wong?

11:46AM 13 A Yes.

11:46AM 14 Q Now, that amount of methamphetamine, two pounds, was --

11:46AM 15 was it common or unusual for you to be in possession of that

11:46AM 16 amount?

11:46AM 17 A Common.

11:46AM 18 Q You said you were going to take these drugs to

11:46AM 19 Mr. Taboada?

11:46AM 20 A Yes.

11:46AM 21 Q Were you going to sell them to him?

11:46AM 22 A Yes.

11:46AM 23 Q Did you have a price in mind?

11:46AM 24 A Yeah.

11:46AM 25 Q How much were you going to sell these drugs for?

11:46AM 1 A Eight grand each pound.

11:46AM 2 Q Was that the price -- normal price you would give

11:46AM 3 Mr. Taboada or did it change because you had stolen these?

11:46AM 4 A Changed because I stole it.

11:46AM 5 Q What was the normal price you would have charged if you

11:46AM 6 had -- had to buy these drugs?

11:46AM 7 A Ten to 12.

11:46AM 8 MR. INCIONG: Could we publish, please, Exhibit 2-16,

11:47AM 9 previously admitted from our original list?

11:47AM 10 THE COURT: Go ahead.

11:47AM 11 MR. INCIONG: And can we focus in on the area around

11:47AM 12 the red dot. The lower quarter, a little bit more. There.

11:47AM 13 Thank you.

11:47AM 14 BY MR. INCIONG:

11:47AM 15 Q Mr. Wilson, can you tell on this map from looking at this

11:47AM 16 map approximately where you were pulled over by Honolulu police

11:47AM 17 that day?

11:47AM 18 A Yes.

11:47AM 19 Q Could you -- using your finger, could you just make a

11:47AM 20 circle or draw an X as to where the traffic stop was?

11:47AM 21 A (Witness complies.)

11:47AM 22 Q So you've marked just to the left of what shows Bay View

11:47AM 23 Mini-Putt and Zipline?

11:47AM 24 A Yes.

11:47AM 25 Q And to the left of that, do you see the little -- the cap

11:47AM 1 and the little pin there?

11:47AM 2 A Yes.

11:47AM 3 Q Is that where Castle High School is?

11:47AM 4 A Yes.

11:47AM 5 MR. INCIONG: Your Honor, at this time I would like to

11:47AM 6 read into the record part of a stipulation that the parties

11:48AM 7 have reached. This is from Document Number 1490, ECF Number

11:48AM 8 1490, filed May 14th of this year. And it's the last paragraph

11:48AM 9 and the one sentence after that on page 2.

11:48AM 10 I have a copy if Your Honor needs.

11:48AM 11 THE COURT: All right. I have a copy in front of me.

11:48AM 12 MR. INCIONG: "It is hereby stipulated and agreed by

11:48AM 13 the undersigned parties that the substance seized on May 4th,

11:48AM 14 2018, by the Federal Bureau of Investigation, pursuant to a

11:48AM 15 traffic stop in the vicinity of Castle High School, Kaneohe,

11:48AM 16 Hawaii, from a vehicle bearing Hawaii license plate number

11:48AM 17 TDC660, is pure or actual methamphetamine, a Schedule II

11:48AM 18 controlled substance, with a net weight of approximately

11:48AM 19 966 grams. The above quantity of methamphetamine is a

11:49AM 20 distributable amount."

11:49AM 21 THE COURT: And as I've advised the jury before, this

11:49AM 22 statement that Mr. Inciong just read is a statement that the

11:49AM 23 parties have stipulated to. "Stipulated" means they have

11:49AM 24 reached an agreement on. No further proof is necessary to

11:49AM 25 prove the facts that Mr. Inciong just read into the record.

11:49AM 1 These facts are to be treated by you as having been
11:49AM 2 conclusively approved.

11:49AM 3 And once again, you will receive a specific jury
11:49AM 4 instructions to the same effect at the time -- at the
11:49AM 5 appropriate time later in this case, but I want to let you know
11:49AM 6 what the meaning of a "stipulation" is now.

11:49AM 7 MR. INCIONG: Thank you, Your Honor.

11:49AM 8 May we show the witness only Exhibit 1-55, please,
11:49AM 9 from our original list?

11:50AM 10 THE COURT: 1-55 has been admitted.

11:50AM 11 MR. INCIONG: Okay. Thank you, Your Honor. I just
11:50AM 12 wanted to confirm. If we could publish then that at this time?

11:50AM 13 THE COURT: Yes.

11:50AM 14 BY MR. INCIONG:

11:50AM 15 Q Mr. Hunter, do you recognize the individual shown in 1-55?

11:50AM 16 A Yes.

11:50AM 17 Q Who is that?

11:50AM 18 A Tim Taboada.

11:50AM 19 Q This is the person that you were going to sell these
11:50AM 20 approximately two pounds of methamphetamine to?

11:50AM 21 A Yes.

11:50AM 22 Q Now, you told us a minute ago that he was a friend of
11:50AM 23 yours as well, correct?

11:50AM 24 A Yes.

11:50AM 25 Q Had you been engaged in drug distribution with him for

11:50AM 1 some time prior to this stop?

11:50AM 2 A Yes.

11:50AM 3 Q You were supplying him in this instance, but did he ever

11:50AM 4 supply you on other occasions?

11:50AM 5 A Yeah.

11:50AM 6 Q Did you kind of work together in that way?

11:50AM 7 A Yeah. Yes.

11:50AM 8 Q So after these drugs were found in your -- the trunk of

11:50AM 9 your car, what happened to you at that time?

11:50AM 10 A They let me go.

11:50AM 11 Q Did that surprise you?

11:50AM 12 A Yes.

11:50AM 13 Q What did you think was the explanation for that at that

11:51AM 14 time?

11:51AM 15 A They wanted to keep it and just let me go. I got ripped

11:51AM 16 off, so I thought.

11:51AM 17 Q So you thought the police had ripped you off?

11:51AM 18 A Yeah.

11:51AM 19 Q Was this a marked patrol unit or undercover police that

11:51AM 20 stopped you?

11:51AM 21 A Both.

11:51AM 22 Q Both. Okay. There was both, a marked unit and

11:51AM 23 plainclothes?

11:51AM 24 A Yes.

11:51AM 25 Q Did you in fact call a number of people immediately after

11:51AM 1 and explain your -- what you thought had just happened?

11:51AM 2 A Yes.

11:51AM 3 Q Meaning you thought you had been ripped off by the police?

11:51AM 4 A Yes.

11:51AM 5 Q Did you think it was any particular section or unit of the
11:51AM 6 Honolulu police?

11:51AM 7 A CRU.

11:51AM 8 Q That's known as CRU sometimes?

11:51AM 9 A Yes.

11:51AM 10 Q Do you understand that means Crime Reduction Unit?

11:51AM 11 A Yes.

11:51AM 12 Q Why did you believe the CRU unit had ripped you off?

11:51AM 13 A At that time there was many stories that was going around
11:51AM 14 that they were doing that.

11:52AM 15 Q After that had happened to you, did that alter your --
11:52AM 16 your drug distribution activity?

11:52AM 17 A Yeah.

11:52AM 18 Q Did you stop completely or did you just change your --
11:52AM 19 your habits?

11:52AM 20 A Changed my habits.

11:52AM 21 Q How did you -- what did you change?

11:52AM 22 A Stopped selling crystal meth.

11:52AM 23 Q You switched to a different drug?

11:52AM 24 A Yes.

11:52AM 25 Q Which drug?

11:52AM 1 A Coke and weed.

11:52AM 2 Q Why did you switch?

11:52AM 3 A I felt it was too risky selling ice.

11:52AM 4 Q Did you later learn that you had been intercepted in a
11:52AM 5 conversation with Tim Taboada?

11:52AM 6 A Yes.

11:52AM 7 Q And that that's what had led to you being stopped by
11:52AM 8 Castle High School?

11:52AM 9 A Yes.

11:52AM 10 Q When did you find out about that?

11:52AM 11 A When I was at -- when I was at FDC.

11:52AM 12 Q Okay. Let me fast-forward then and have you focus on July
11:53AM 13 of 2020. Do you recall being arrested in July of 2020?

11:53AM 14 A Yes.

11:53AM 15 Q Where were you arrested at that time?

11:53AM 16 A Salt Lake.

11:53AM 17 Q Do you recall the date?

11:53AM 18 A No.

11:53AM 19 Q Did you know why you were being arrested at that time?

11:53AM 20 A No.

11:53AM 21 Q Did you connect it in any way to the -- the May 2018
11:53AM 22 traffic stop --

11:53AM 23 A No.

11:53AM 24 Q -- at that time? Okay.

11:53AM 25 When did you kind of put that together?

11:53AM 1 A When I seen it in my discovery.

11:53AM 2 Q So did you see that you been charged in an indictment?

11:53AM 3 A Yes.

11:53AM 4 Q What charges did you see you were charged with in that
11:53AM 5 indictment?

11:53AM 6 A Conspiracy to distribute, racketeering, gun charges.

11:53AM 7 Q Okay. Were you appointed an attorney at the time?

11:53AM 8 A Yes.

11:53AM 9 Q What was the name of your attorney that you were
11:54AM 10 appointed?

11:54AM 11 A Andrew Kennedy.

11:54AM 12 Q Does Mr. Kennedy represent you to this day?

11:54AM 13 A Yes.

11:54AM 14 Q Did you meet with Mr. Kennedy shortly after you were
11:54AM 15 arrested and discuss your case?

11:54AM 16 A Yes.

11:54AM 17 Q Did you decide as to how you wanted to proceed?

11:54AM 18 A Yes.

11:54AM 19 Q What did you decide to do at that point?

11:54AM 20 A Plead guilty.

11:54AM 21 Q Even before you pled guilty, did you discuss with

11:54AM 22 Mr. Kennedy the option of whether you wanted to cooperate with
11:54AM 23 the government or not?

11:54AM 24 A Yes.

11:54AM 25 Q What did you decide?

11:54AM 1 A Cooperate.

11:54AM 2 Q Did you decide to do that very quickly after you were

11:54AM 3 arrested?

11:54AM 4 A Yes.

11:54AM 5 Q Do you recall entering into what's called a proffer

11:54AM 6 agreement with the government?

11:54AM 7 A Yes.

11:54AM 8 MR. INCIONG: Could we show the witness only

11:54AM 9 Exhibit 1-474 from our original list, just for identification

11:54AM 10 purposes?

11:55AM 11 THE COURT: Go ahead.

11:55AM 12 BY MR. INCIONG:

11:55AM 13 Q Mr. Wilson, do you see the first page of the document

11:55AM 14 that's been marked 1-474?

11:55AM 15 A Yes.

11:55AM 16 Q Is that the proffer letter or proffer agreement that you

11:55AM 17 entered into?

11:55AM 18 A Yes, I did.

11:55AM 19 Q Do you see the date on there?

11:55AM 20 A Yes.

11:55AM 21 Q Does that represent the accurate date when you entered

11:55AM 22 into that agreement?

11:55AM 23 A Yes.

11:55AM 24 Q What date was that?

11:55AM 25 A July 20th, 2020.

11:55AM 1 MR. INCIONG: If we could just go to the second and

11:55AM 2 third page, and then the final page.

11:55AM 3 BY MR. INCIONG:

11:55AM 4 Q Is that your signature on that document?

11:55AM 5 A Yes.

11:55AM 6 Q And does that bear the same date, July 20th of 2020?

11:55AM 7 A Yes.

11:55AM 8 Q What did you understand the terms of that proffer

11:55AM 9 agreement to be?

11:55AM 10 A I need to cooperate and tell the truth.

11:55AM 11 Q Were you also required to meet with government agents when

11:55AM 12 you were requested?

11:55AM 13 A Yes.

11:55AM 14 Q Did this --

11:56AM 15 MR. INCIONG: You can take that down.

11:56AM 16 BY MR. INCIONG:

11:56AM 17 Q Did this proffer agreement offer you any benefits or

11:56AM 18 protection?

11:56AM 19 A Anything I knew or bring forth can't be used against me.

11:56AM 20 Q Did you meet with agents for the first time that very same

11:56AM 21 day on July 20th of 2020?

11:56AM 22 A Yes.

11:56AM 23 Q Did you meet with them another two times, in September and

11:56AM 24 October of that year?

11:56AM 25 A Yes.

11:56AM 1 Q Did you tell the agents everything that you knew about the
11:56AM 2 charges against you during those meetings?
11:56AM 3 A Yes.
11:56AM 4 Q Were you completely truthful with the agents?
11:56AM 5 A Yes.
11:56AM 6 Q Now, shortly after your arrest did you -- you through your
11:56AM 7 attorney ask the court to be released on bail?
11:56AM 8 A Yes.
11:56AM 9 Q Were you granted release?
11:56AM 10 A Yes.
11:56AM 11 Q Where were you released to?
11:56AM 12 A MOCA House.
11:56AM 13 Q What is the MOCA House?
11:56AM 14 A Halfway house.
11:56AM 15 Q Were you under what's called pretrial supervision during
11:56AM 16 that time?
11:56AM 17 A Yes.
11:56AM 18 Q Were there some conditions that you had to follow?
11:57AM 19 A Yes.
11:57AM 20 Q Was a curfew one of those?
11:57AM 21 A Yes.
11:57AM 22 Q What time was your curfew at the MOCA House?
11:57AM 23 A 11:00 p.m.
11:57AM 24 Q Did you have drug testing urinalysis tests you were
11:57AM 25 required to submit to?

11:57AM 1 A Yes.

11:57AM 2 Q Did you have to wear any sort of ankle monitor or a GPS

11:57AM 3 monitor?

11:57AM 4 A Yes.

11:57AM 5 Q Were you required to be employed or at least seek

11:57AM 6 employment during that time?

11:57AM 7 A Yes.

11:57AM 8 Q Did you do all of those things?

11:57AM 9 A Yes.

11:57AM 10 Q How long did you stay at the MOCA House?

11:57AM 11 A I would say five months.

11:57AM 12 Q Where did you go from the MOCA House?

11:57AM 13 A Big Island family house.

11:57AM 14 Q Is there a reason why you left the MOCA House?

11:57AM 15 A Yes.

11:57AM 16 Q Explain to the jury why.

11:57AM 17 A One night when I was sleeping, my roommate woke my up,

11:57AM 18 somebody shot into the MOCA House, into the unit.

11:58AM 19 Q Did that bullet come into the room you were in?

11:58AM 20 A The living room.

11:58AM 21 Q Did you actually -- could you actually see where that

11:58AM 22 bullet had become lodged?

11:58AM 23 A Yes.

11:58AM 24 Q Where -- where did it become lodged?

11:58AM 25 A The ceiling.

11:58AM 1 Q Did you call the police?

11:58AM 2 A Yes.

11:58AM 3 Q Did the police respond?

11:58AM 4 A Yes.

11:58AM 5 Q Were they ever able to identify who had fired the shot?

11:58AM 6 A No.

11:58AM 7 Q Did that whole situation frighten you?

11:58AM 8 A Yeah.

11:58AM 9 Q Why?

11:58AM 10 A Because my life's in danger.

11:58AM 11 Q Were other of your codefendants released at the same time

11:58AM 12 you were?

11:58AM 13 A No, they were released before me.

11:58AM 14 Q Did that worry you as to what --

11:58AM 15 A No, after me.

11:58AM 16 Q Okay. Did the fact that you were released and others

11:58AM 17 weren't concern you?

11:58AM 18 A Yes.

11:58AM 19 Q Why?

11:58AM 20 A Because I was the first one to cooperate.

11:58AM 21 Q Were you worried other -- other codefendants might have

11:58AM 22 known that or thought that at least?

11:58AM 23 A Yes.

11:58AM 24 Q So did you ask to be relocated for safety reasons?

11:59AM 25 A Yes.

11:59AM 1 Q So that's when you went to the Big Island?

11:59AM 2 A Yes.

11:59AM 3 Q So did your conditions of pretrial release still remain

11:59AM 4 even though you were no longer at the halfway house?

11:59AM 5 A Yes.

11:59AM 6 Q So you were required to still wear a GPS ankle monitor?

11:59AM 7 A Yes.

11:59AM 8 Q How often were the drug tests that you were required to

11:59AM 9 submit to?

11:59AM 10 A Every week.

11:59AM 11 Q Did you find employment?

11:59AM 12 A Yes.

11:59AM 13 Q What kind of employment were you doing?

11:59AM 14 A Construction.

11:59AM 15 Q Are you still on supervised release --

11:59AM 16 A Yes.

11:59AM 17 Q -- or pretrial release?

11:59AM 18 A Yes, I am.

11:59AM 19 Q So how long now have you been on these pretrial release

11:59AM 20 conditions?

11:59AM 21 A Next -- July makes four years.

11:59AM 22 Q For four years you've been wearing an ankle monitor?

11:59AM 23 A Yes.

11:59AM 24 Q Four years you've been submitting to drug tests?

11:59AM 25 A Yes.

11:59AM 1 Q Weekly drug tests?

11:59AM 2 A Yes.

11:59AM 3 Q Have you violated any of your pretrial conditions during

11:59AM 4 those almost four years now?

11:59AM 5 A No.

11:59AM 6 Q Did your curfew change when you left the MOCA House?

12:00PM 7 A Yes.

12:00PM 8 Q What did it change to?

12:00PM 9 A 11:00 p.m. to 8:30 p.m.

12:00PM 10 Q Have you ever been late for a curfew?

12:00PM 11 A No.

12:00PM 12 Q So no violations of any sort for those almost now four

12:00PM 13 years?

12:00PM 14 A Yes.

12:00PM 15 Q Now, going back to the charges against you, did -- you

12:00PM 16 were consulting with your attorney about the case against you?

12:00PM 17 A Yes.

12:00PM 18 Q Did you get a chance to review your discovery with him?

12:00PM 19 A Yes.

12:00PM 20 Q And after doing that, is that when you decided to plead

12:00PM 21 guilty?

12:00PM 22 A Yes.

12:00PM 23 Q Why did you decide to plead guilty?

12:00PM 24 A Because I was guilty.

12:00PM 25 Q Did you enter into a plea agreement with the United States

12:00PM 1 in order to resolve your case?

12:00PM 2 A Yes.

12:00PM 3 MR. INCIONG: Your Honor, could we show the witness

12:00PM 4 only Exhibit 1-473, please?

12:00PM 5 THE COURT: Yes.

12:00PM 6 MR. INCIONG: From our original list.

12:00PM 7 THE COURT: Go ahead.

12:00PM 8 BY MR. INCIONG:

12:00PM 9 Q Mr. Wilson, do you see the -- at least the first page of

12:00PM 10 this document?

12:00PM 11 A Yes.

12:00PM 12 Q Do you recognize that as being the memorandum of --

12:01PM 13 memorandum of plea agreement that you entered into with the

12:01PM 14 United States?

12:01PM 15 A Yes.

12:01PM 16 Q Do you see the date in the upper right-hand corner where

12:01PM 17 there's a stamp there?

12:01PM 18 A Yes.

12:01PM 19 Q Does that date look accurate to you as to when you entered

12:01PM 20 that guilty plea?

12:01PM 21 A Yes.

12:01PM 22 Q When did you enter your guilty plea?

12:01PM 23 A May 6, 2021.

12:01PM 24 Q So you were arrested in July of 2020, so that was just a

12:01PM 25 little bit less than a year after you were arrested?

12:01PM 1 A Yes.

12:01PM 2 MR. INCIONG: And then could we just go to the final
12:01PM 3 page of that document, please?

12:01PM 4 BY MR. INCIONG:

12:01PM 5 Q Is that your signature, Mr. Wilson, on the -- on the last
12:01PM 6 page?

12:01PM 7 A Yes.

12:01PM 8 Q Is that below your attorney's signature, just above you on
12:01PM 9 the bottom there as well?

12:01PM 10 A Yes.

12:01PM 11 MR. INCIONG: Okay, we can take that down.

12:01PM 12 BY MR. INCIONG:

12:01PM 13 Q So what were the -- let's start with just the very basic
12:01PM 14 terms of the plea agreement. What did you agree to plead
12:01PM 15 guilty to?

12:01PM 16 A Conspiracy and racketeering.

12:02PM 17 Q What was the conspiracy charge, conspiracy to do what?

12:02PM 18 A Distribute crystal meth.

12:02PM 19 Q So was Count 1 of the indictment against you the
12:02PM 20 racketeering conspiracy count?

12:02PM 21 A Yes.

12:02PM 22 Q Was Count 16 the conspiracy to distribute drugs, crystal
12:02PM 23 meth in this case?

12:02PM 24 A Yes.

12:02PM 25 Q Were there a number of case -- or number of counts, I

12:02PM 1 should say, that the government agreed to dismiss as part of

12:02PM 2 your plea agreement?

12:02PM 3 A Yes.

12:02PM 4 Q Were those Counts 17, 20 and 21?

12:02PM 5 A Yes.

12:02PM 6 Q What did you understand those counts to be?

12:02PM 7 A Gun charges.

12:02PM 8 Q Was there also a -- one of those a armed robbery charge?

12:02PM 9 A Yes.

12:02PM 10 Q Now, in regard to the racketeering conspiracy charge,

12:02PM 11 Count 1, did you -- were you aware of what the statutory

12:02PM 12 maximum penalty for that charge was?

12:02PM 13 A Yes.

12:02PM 14 Q What was that?

12:02PM 15 A Minimum, ten; max, life.

12:02PM 16 Q Okay. Is that the -- what you understand to be the drug

12:03PM 17 charge or the racketeering charge?

12:03PM 18 A Oh, that's the drug charge.

12:03PM 19 Q Okay. So mandatory minimum, ten years; max, life for the

12:03PM 20 drug charge?

12:03PM 21 A Yes.

12:03PM 22 Q And for the racketeering charge, did you understand that

12:03PM 23 to be a statutory maximum of 20 years?

12:03PM 24 A Yes.

12:03PM 25 Q Did you understand that the drug -- I'm sorry, that the

12:03PM 1 gun counts, two of them, that were dismissed against you, that
12:03PM 2 each of those would have carried a five-year consecutive
12:03PM 3 sentence?

12:03PM 4 A Yes.

12:03PM 5 Q Those were dismissed, correct?

12:03PM 6 A Yes.

12:03PM 7 Q Did you understand that the robbery charge dismissed
12:03PM 8 against you had a 20-year maximum?

12:03PM 9 A Yes.

12:03PM 10 Q Let me ask you a few questions about the racketeering
12:03PM 11 conspiracy charge that you pled guilty to, Count 1. So what do
12:03PM 12 you understand racketeering conspiracy to be?

12:03PM 13 A A group of people get together, commit crimes to make
12:03PM 14 money.

12:03PM 15 Q Is that what you did?

12:03PM 16 A Yes.

12:03PM 17 Q You understand for that charge that the agreement is the
12:04PM 18 crime?

12:04PM 19 A Yes.

12:04PM 20 Q But you did more than just agree, correct?

12:04PM 21 A Yes.

12:04PM 22 Q In your plea agreement did you specifically admit to being
12:04PM 23 a member of the Miske Enterprise?

12:04PM 24 A Yes.

12:04PM 25 Q What was the approximate time frame that you were a member

12:04PM 1 of the Miske Enterprise, Mr. Wilson?

12:04PM 2 A 2016 to '18.

12:04PM 3 Q Who did you conspire with as part of being a member of

12:04PM 4 Miske Enterprise?

12:04PM 5 A Jake Smith.

12:04PM 6 Q So you brought his name up a little bit earlier.

12:04PM 7 MR. INCIONG: Could we publish, please, Your Honor,

12:04PM 8 Exhibit 1-41 admitted from our original list?

12:04PM 9 THE COURT: Yes, you may.

12:04PM 10 BY MR. INCIONG:

12:04PM 11 Q Is that Jake Smith, Hunter?

12:04PM 12 A Yes.

12:04PM 13 Q And this is someone that you said you've known -- you knew

12:04PM 14 growing up on the east side --

12:04PM 15 A Yes.

12:04PM 16 Q -- Kaneohe?

12:05PM 17 Are you -- do you consider him a friend of yours?

12:05PM 18 A Not now.

12:05PM 19 Q Okay. So let's go back to high school time, and from, I

12:05PM 20 guess, the time you graduated from high school until 2018, that

12:05PM 21 five-year period, let's start there. Were you friends with

12:05PM 22 Jake during that period?

12:05PM 23 A Yes.

12:05PM 24 Q Best friends, just casual acquaintances, somewhere in

12:05PM 25 between?

12:05PM 1 A Best friends.

12:05PM 2 Q What kinds of things did you and Jake do together?

12:05PM 3 A Do drugs, sell drugs, rob people.

12:05PM 4 Q Was Jake -- pardon me?

12:05PM 5 A Rob people.

12:05PM 6 Q Was Jake the one that kind of introduced you to drug

12:05PM 7 sales?

12:05PM 8 A Yes.

12:05PM 9 Q You described him as -- as being best friends. Did you

12:05PM 10 have a complicated relationship with Jake?

12:05PM 11 A Yes.

12:05PM 12 Q How would you describe your relationship with Jake Smith?

12:05PM 13 A Like a love-hate relationship.

12:05PM 14 Q And what do you mean by that?

12:05PM 15 A We fight, make up, fight again, argue, come friends again.

12:06PM 16 Q Did Jake have a reputation -- well, let's start with

12:06PM 17 Kaneohe, the east side?

12:06PM 18 A Yes.

12:06PM 19 Q What was his reputation?

12:06PM 20 A Scary. He could fight.

12:06PM 21 Q When you say "scary," what do you mean by that?

12:06PM 22 A Violent.

12:06PM 23 Q So people were scared of him?

12:06PM 24 A Yes.

12:06PM 25 Q Did Jake have some special talents or skills that led to

12:06PM 1 that?

12:06PM 2 A Kickboxing.

12:06PM 3 Q Tell us about his kickboxing.

12:06PM 4 A He was great at it. He was good. He went all over the
12:06PM 5 world.

12:06PM 6 Q Did his father own a kick -- kickboxing studio?

12:06PM 7 A Yes.

12:06PM 8 Q In Kaneohe?

12:06PM 9 A Yes.

12:06PM 10 Q Was Jake trained from a very young boy in that -- in that
12:06PM 11 sport?

12:06PM 12 A Yes.

12:06PM 13 Q And he became an elite kickboxer, correct?

12:07PM 14 A Yes.

12:07PM 15 Q Did Jake enjoy the fight in your experience?

12:07PM 16 A Yes.

12:07PM 17 Q Did he enjoy beating people up?

12:07PM 18 A Yeah.

12:07PM 19 Q Did you see him do that on a number of occasions?

12:07PM 20 A Yes.

12:07PM 21 Q Was that his reputation that you were aware of during the
12:07PM 22 time you were in high school and in the years after high
12:07PM 23 school?

12:07PM 24 A Yes.

12:07PM 25 Q Do you know Lance Bermudez?

12:07PM 1 A Yes.

12:07PM 2 Q How do -- how do you know Lance Bermudez?

12:07PM 3 A From Jake.

12:07PM 4 MR. INCIONG: Could we publish, Your Honor,

12:07PM 5 Exhibit 1-34 from our original exhibit list?

12:07PM 6 THE COURT: You may.

12:07PM 7 BY MR. INCIONG:

12:07PM 8 Q Do you recognize this photo, Hunter?

12:07PM 9 A Yes.

12:07PM 10 Q Who is that?

12:07PM 11 A Lance.

12:07PM 12 Q So you met Lance through Jake?

12:07PM 13 A Yes.

12:07PM 14 Q Do you recall was this after high school, still in high
12:07PM 15 school?

12:07PM 16 A After.

12:07PM 17 Q You were selling drugs with Jake already at this point?

12:07PM 18 A Yes.

12:08PM 19 Q Did you agree with Lance Bermudez to commit various acts
12:08PM 20 in furtherance of the Miske Enterprise?

12:08PM 21 A Yes.

12:08PM 22 Q What kinds of things did you agree to do with -- with
12:08PM 23 Lance?

12:08PM 24 A I facilitated a robbery for him.

12:08PM 25 Q Do you know or did you know at the time you were post-high

12:08PM 1 school hanging out with Jake selling drugs, did you come to
12:08PM 2 know someone by the name of Mike Miske?
12:08PM 3 A No.
12:08PM 4 Q Did you ever hear the name Mike Miske?
12:08PM 5 A Heard it.
12:08PM 6 Q Did you ever actually meet Mike Miske?
12:08PM 7 A No.
12:08PM 8 Q So how did you hear or come to know of Mike Miske?
12:08PM 9 A Jake.
12:08PM 10 Q How did -- how did Jake let you know about Mike Miske?
12:08PM 11 MR. KENNEDY: Objection on hearsay, Your Honor.
12:08PM 12 THE COURT: Overruled. Go ahead.
12:08PM 13 BY MR. INCIONG:
12:08PM 14 Q How did Jake -- how did Jake first bring Mike Miske to
12:08PM 15 your attention?
12:08PM 16 A Talking, bragging about it, money, going to the M.
12:09PM 17 Q Bragging about it?
12:09PM 18 A Yeah.
12:09PM 19 Q So bragging about what exactly?
12:09PM 20 A Beating people up for money.
12:09PM 21 Q And he told you he was beating people up for money for
12:09PM 22 Mr. Miske?
12:09PM 23 A Yes.
12:09PM 24 Q Did you ever -- were you ever present when Jake Smith was
12:09PM 25 involved in any telephone conversations with Mr. Miske?

12:09PM 1 A No.

12:09PM 2 Q Were you aware of him having conversations with Mr. Miske?

12:09PM 3 A Yes.

12:09PM 4 Q How did you become aware of that? How did you know?

12:09PM 5 MR. KENNEDY: Objection on hearsay, Your Honor.

12:09PM 6 THE COURT: That question, overruled.

12:09PM 7 THE WITNESS: He would say, Oh, I gotta go see Bro.

12:09PM 8 That's it.

12:09PM 9 BY MR. INCIONG:

12:09PM 10 Q Okay. How did you know "Bro" meant Mr. Miske?

12:09PM 11 A Because that's what he would call him.

12:09PM 12 Q Now, you mentioned the M Nightclub.

12:10PM 13 A Yeah.

12:10PM 14 Q Jake would tell you he would go to the M Nightclub?

12:10PM 15 A Yeah.

12:10PM 16 Q Were you ever invited to go to the M Nightclub?

12:10PM 17 A Yeah, but I didn't go.

12:10PM 18 Q Why not?

12:10PM 19 A I didn't want to.

12:10PM 20 Q Any particular reason?

12:10PM 21 A Yeah, I tried to stay out of the mix.

12:10PM 22 Q Did Jake ever tell you any specific instances or examples

12:10PM 23 where he would beat somebody up for Mr. Miske?

12:10PM 24 MR. KENNEDY: Objection. Hearsay, past.

12:10PM 25 MR. INCIONG: Coconspirator statement.

12:10PM 1 THE COURT: Sustained.

12:10PM 2 MR. KENNEDY: Past narrative.

12:10PM 3 BY MR. INCIONG:

12:10PM 4 Q Were you present when Jake would receive any phone calls
12:10PM 5 on any occasion from Mr. Miske?

12:10PM 6 MR. KENNEDY: Objection. Asked and answered.

12:10PM 7 THE COURT: Sustained.

12:10PM 8 BY MR. INCIONG:

12:10PM 9 Q When you were hanging out with Jake, Jake Smith, did you
12:10PM 10 ever assist him in any robberies?

12:11PM 11 A Yes.

12:11PM 12 Q How did you assist Jake with any robberies?

12:11PM 13 A I told him what door to enter into a house so he could rob
12:11PM 14 somebody.

12:11PM 15 Q Who was that person?

12:11PM 16 A Brandon Ota.

12:11PM 17 Q How did you know Brandon Ota?

12:11PM 18 A Selling drugs.

12:11PM 19 Q Why did you alert Jake to him as a possible robbery
12:11PM 20 target?

12:11PM 21 A Because he has been asking me for a while for somebody to
12:11PM 22 rob, so I gave him Brandon Ota.

12:11PM 23 Q What did you believe that Brandon Ota may have that would
12:11PM 24 be a possible target for a robbery?

12:11PM 25 A Money, marijuana, Xanax.

12:11PM 1 Q Did you tell anybody else besides Jake about this?

12:11PM 2 A Lance.

12:11PM 3 Q Lance Bermudez?

12:11PM 4 A Yeah.

12:11PM 5 Q Did this robbery happen?

12:11PM 6 A Yes.

12:12PM 7 Q Did you participate in the robbery?

12:12PM 8 A No.

12:12PM 9 Q Why not?

12:12PM 10 A I mean, yeah, I guess I did because I told them where to
12:12PM 11 go and how to get in there.

12:12PM 12 Q Okay. Well, as far as did you physically go to the
12:12PM 13 location and participate in the robbery?

12:12PM 14 A No.

12:12PM 15 Q You provide the information as to where to go?

12:12PM 16 A Yes.

12:12PM 17 Q Was there specific information that you gave as to how to
12:12PM 18 get into the house?

12:12PM 19 A Yes.

12:12PM 20 Q How did you know about that?

12:12PM 21 A I've been to the house many times.

12:12PM 22 Q Did you have a conversation with Jake after they went to
12:12PM 23 Brandon Ota's house?

12:12PM 24 A Yes.

12:12PM 25 Q Was Jake happy about what had happened there?

12:12PM 1 A Yeah.

12:12PM 2 Q How did he describe what had happened?

12:12PM 3 A He didn't describe to me in details what happened. He
12:12PM 4 just said he took Brandon Ota's stuff, and that was that.

12:12PM 5 Q Now, you said Mr. Smith's reputation was known to be a
12:13PM 6 fighter and he -- he was scary. Did he have that reputation
12:13PM 7 before he started working for Mr. Miske?

12:13PM 8 A Yeah.

12:13PM 9 Q After he started working for Mr. Miske, did you see any
12:13PM 10 changes in Jake?

12:13PM 11 A Yeah.

12:13PM 12 Q Describe what those were.

12:13PM 13 A Wanting guns more. Acting more untouchable.

12:13PM 14 Q Acting more untouchable?

12:13PM 15 A Yeah.

12:13PM 16 Q Did you attribute that to him being connected to
12:13PM 17 Mr. Miske?

12:13PM 18 A Yes.

12:13PM 19 Q Were you aware of whether Lance Bermudez was connected to
12:13PM 20 Mr. Miske?

12:13PM 21 A No.

12:14PM 22 Q So let me ask you -- you've talked a little bit who you
12:14PM 23 had agreed with, but let me ask you a little bit more specific
12:14PM 24 about what you did to make you guilty as you pled guilty in
12:14PM 25 this case.

12:14PM 1 Did you in your plea agreement admit to personally
12:14PM 2 committing two different racketeering acts?

12:14PM 3 A Yes.

12:14PM 4 Q Was one of those trafficking or distributing controlled
12:14PM 5 substances?

12:14PM 6 A Yes.

12:14PM 7 Q Was the other the robbery of Brandon Ota that you just
12:14PM 8 described?

12:14PM 9 A Yes.

12:14PM 10 Q Did you understand that by committing those two different
12:14PM 11 racketeering acts you had committed a pattern of racketeering
12:14PM 12 acts?

12:14PM 13 A Yes.

12:14PM 14 Q We talked about Jake Smith. We talked about Lance
12:14PM 15 Bermudez.

12:14PM 16 Timothy Taboada, he was also involved in your drug
12:15PM 17 distribution, correct?

12:15PM 18 A Yes.

12:15PM 19 Q In about 2016, had you just moved back from the Big Island
12:15PM 20 back to Oahu?

12:15PM 21 A Yes.

12:15PM 22 Q Do you recall moving with Brandon Ota at that time?

12:15PM 23 A Yes.

12:15PM 24 Q Were you selling any particular drug at that -- at that
12:15PM 25 period?

12:15PM 1 A Weed.

12:15PM 2 Q Weed meaning marijuana?

12:15PM 3 A Yeah.

12:15PM 4 Q Did you need permission from anybody at that time to sell

12:15PM 5 marijuana?

12:15PM 6 A Jake.

12:15PM 7 Q Why did you need permission from Jake to sell marijuana at

12:15PM 8 that time?

12:15PM 9 A I did and before he robs me.

12:15PM 10 Q So what did you have to do to get permission?

12:15PM 11 A Pay him money every week.

12:15PM 12 Q How much money did you have to pay every week?

12:15PM 13 A To give him like 500 to \$1,000 a week.

12:15PM 14 Q So did you consider that to be -- or was that called tax

12:16PM 15 sometimes?

12:16PM 16 A Yes.

12:16PM 17 Q So Jake was taxing -- taxing you?

12:16PM 18 A Yeah.

12:16PM 19 Q Was he taxing other people?

12:16PM 20 A Yes.

12:16PM 21 Q How long did that last?

12:16PM 22 A Until I started selling his drugs.

12:16PM 23 Q Pardon me?

12:16PM 24 A Until I started selling Jake's drugs.

12:16PM 25 Q So you were selling drugs for him?

12:16PM 1 A Yeah.

12:16PM 2 Q What kind of drugs were you selling for him?

12:16PM 3 A Crystal meth.

12:16PM 4 Q Did that start in about 2017?

12:16PM 5 A Yeah.

12:16PM 6 Q Was there a period -- a short period of time where you had

12:16PM 7 moved to Los Angeles?

12:16PM 8 A Yeah.

12:16PM 9 Q And then did you move back here to Oahu?

12:16PM 10 A Yes.

12:16PM 11 Q Where were you living at that point when you moved back

12:16PM 12 from LA?

12:16PM 13 A North Shore.

12:16PM 14 Q That's when you started selling crystal meth for Jake?

12:16PM 15 A Yes.

12:16PM 16 Q Did you know who Jake Smith's supplier was at that time?

12:16PM 17 A No.

12:16PM 18 Q Did you feel protected since Jake was your source of

12:16PM 19 supply?

12:16PM 20 A Yes.

12:16PM 21 Q Why?

12:16PM 22 A Because nobody is going to rob me.

12:17PM 23 Q And you -- you knew that because Jake had beat other

12:17PM 24 people up, right?

12:17PM 25 A Yes.

12:17PM 1 Q Did Jake beat you up before?

12:17PM 2 A Yes.

12:17PM 3 Q Why did Jake beat you up?

12:17PM 4 A Because I stole drugs from him and money to support my

12:17PM 5 habit.

12:17PM 6 Q Were you injured as a result of that assault?

12:17PM 7 A Yes.

12:17PM 8 Q What injury did you sustain?

12:17PM 9 A Broke my collarbone.

12:17PM 10 Q That went along with Jake's reputation on -- on the

12:17PM 11 island?

12:17PM 12 A Yes.

12:17PM 13 Q Did you ever carry a firearm while you were dealing drugs?

12:17PM 14 A No.

12:17PM 15 Q Why not?

12:17PM 16 A Didn't feel the need to.

12:17PM 17 Q Felt like you were protected by Jake?

12:17PM 18 A Yes.

12:17PM 19 Q So when Jake started working for Mr. Miske beating people

12:17PM 20 up, was he still supplying you drugs at that time?

12:17PM 21 A Yes.

12:17PM 22 Q Did you feel like your protection changed at that point?

12:18PM 23 A Yeah.

12:18PM 24 Q In what way?

12:18PM 25 A I had -- nobody was going to try to rob me or do anything

12:18PM 1 to me.

12:18PM 2 Q Because you were protected by Jake?

12:18PM 3 A Yeah.

12:18PM 4 Q And Jake was protected by Miske?

12:18PM 5 A Yes.

12:18PM 6 MR. KENNEDY: Objection to the form of the question,
12:18PM 7 Your Honor.

12:18PM 8 THE COURT: Overruled. Go ahead.

12:18PM 9 BY MR. INCIONG:

12:18PM 10 Q So what amounts of methamphetamine were you selling for
12:18PM 11 Jake during that time?

12:18PM 12 A He will give me anywhere from a half pound to a pound at a
12:18PM 13 time.

12:18PM 14 Q Were you selling a lot of that to Tim Taboada during that
12:18PM 15 period?

12:18PM 16 A Yes.

12:18PM 17 Q About how much crystal methamphetamine would you say you
12:18PM 18 sold total to Tim Taboada during that period?

12:18PM 19 A Seven pounds.

12:18PM 20 Q Was Mr. Taboada also one of Jake's customers?

12:18PM 21 A Yes.

12:18PM 22 Q Did he find out you were selling his drugs to his own
12:19PM 23 customer?

12:19PM 24 A Yes.

12:19PM 25 Q How did he feel about that?

12:19PM 1 A Upset.

12:19PM 2 Q Is that when he broke your collarbone?

12:19PM 3 A No, that was the time before when I took the money.

12:19PM 4 Q Okay. So what happened this time when he found out you

12:19PM 5 were selling to Mr. Taboada?

12:19PM 6 A He slapped me around for a little bit, kicked me out.

12:19PM 7 Q Did you have a falling out with -- with Jake?

12:19PM 8 A Yeah.

12:19PM 9 Q Did you continue to sell methamphetamine?

12:19PM 10 A Yes.

12:19PM 11 Q Were you still selling to Tim Taboada?

12:19PM 12 A Yes.

12:19PM 13 Q Now, you said that you had stolen those two pounds that

12:19PM 14 you were in possession of when you were stopped by the police

12:19PM 15 in May of 2018 by Castle High School, you had stolen that from

12:19PM 16 Eddie Wong. Had you ever supplied Eddie Wong before that?

12:19PM 17 A No.

12:19PM 18 Q Had he supplied you previous to that?

12:19PM 19 A Yes.

12:19PM 20 Q Now, the robbery that you talked about with Brandon Ota,

12:20PM 21 do you recall that being in approximately August of 2016?

12:20PM 22 A Yes.

12:20PM 23 Q Where were you living at that time?

12:20PM 24 A Kalihi.

12:20PM 25 Q Were you living with Jake Smith?

12:20PM 1 A Yes.

12:20PM 2 Q Was that a residence on Kalihi Street?

12:20PM 3 A Yes.

12:20PM 4 Q Now, you said that Jake had been asking you for targets,
12:20PM 5 robbery targets.

12:20PM 6 A Yes.

12:20PM 7 Q Were you aware of whether Jake was conducting other
12:20PM 8 robberies during this time?

12:20PM 9 A Yeah, I was aware.

12:20PM 10 Q Were you aware that he was robbing other drug dealers?

12:20PM 11 A Yes.

12:20PM 12 Q Were you aware that he was robbing game rooms?

12:20PM 13 A Yes.

12:20PM 14 Q Did he ever tell you about any specific game rooms that he
12:20PM 15 had robbed?

12:20PM 16 A One in Mapunapuna.

12:20PM 17 Q Did he give you any details about that?

12:20PM 18 A Yeah, he just tied couple of people up, and took the money
12:20PM 19 and left.

12:20PM 20 Q Now, after Jake started working for Mr. Miske, was he
12:21PM 21 doing more robberies?

12:21PM 22 A Same amount.

12:21PM 23 Q Was he taking more risks?

12:21PM 24 A Same risks.

12:21PM 25 Q Was Lance Bermudez part of some of those robberies with --

12:21PM 1 with Mr. Smith?

12:21PM 2 A Yes.

12:21PM 3 Q What was Lance Bermudez's reputation?

12:21PM 4 A He likes to shoot at people, shoot people.

12:21PM 5 Q Did you know anything about his reputation regarding cars
12:21PM 6 in particular?

12:21PM 7 A Yeah, steal cars.

12:21PM 8 Q Was he known to be good at stealing cars?

12:21PM 9 A Yes.

12:21PM 10 Q Was there another person that was involved besides Jake
12:21PM 11 and Lance Bermudez with the Brandon Ota robbery?

12:22PM 12 A Yeah.

12:22PM 13 Q Who was that?

12:22PM 14 A Turtle, they called him. Last name Salas. James I think
12:22PM 15 is his first name.

12:22PM 16 Q Did you know Mr. Salas or Turtle?

12:22PM 17 A I met him couple times.

12:22PM 18 Q Did Jake Smith ever talk to you about Turtle Salas?

12:22PM 19 A Yes.

12:22PM 20 Q What did he say about Mr. Salas?

12:22PM 21 A At first he introduced him as his friend, and after Jake's
12:22PM 22 house got robbed, that was not Jake's friend no more. Jake
12:22PM 23 found out Turtle robbed his house and he was upset.

12:22PM 24 Q Okay. Did anything more than that happen?

12:22PM 25 A Yeah. He ended up getting beat up in prison.

12:22PM 1 Q Mr. Salas ended up getting beat up in prison?

12:22PM 2 A Yeah.

12:22PM 3 Q Was Mr. Smith held in that same prison at that time?

12:23PM 4 A I'm not sure. I think it was only -- he had friends in

12:23PM 5 there.

12:23PM 6 Q Who provided this information to you?

12:23PM 7 A Jake.

12:23PM 8 Q So was he involved in the assault himself, or no?

12:23PM 9 A No, not that I'm aware of.

12:23PM 10 MR. INCIONG: Could we publish Exhibit 1-32, please,

12:23PM 11 that's been previously admitted from our original list?

12:23PM 12 THE COURT: Go ahead.

12:23PM 13 BY MR. INCIONG:

12:23PM 14 Q Do you know this individual, Mr. Wilson?

12:23PM 15 A Yes.

12:23PM 16 Q Who is that?

12:23PM 17 A John Fraser.

12:23PM 18 Q How did you know John Fraser?

12:23PM 19 A We went to Castle together.

12:23PM 20 Q Castle High School?

12:23PM 21 A Yes.

12:23PM 22 Q Were you friends, acquaintances?

12:23PM 23 A Acquaintances.

12:23PM 24 Q Okay. Going back to October of 2015, did you become aware

12:24PM 25 that he was involved in a serious car accident?

12:24PM 1 A Yes.

12:24PM 2 Q How did you learn about that?

12:24PM 3 A We were at Windward city when that happened.

12:24PM 4 Q Windward City Shopping Center?

12:24PM 5 A Yes.

12:24PM 6 Q So when it happened meaning the accident?

12:24PM 7 A Yes.

12:24PM 8 MR. INCIONG: Could we go back to Exhibit 2-16,
12:24PM 9 please, previously admitted from our original list?

12:24PM 10 THE COURT: Yes, go ahead.

12:24PM 11 MR. INCIONG: And if we can center in on that lower
12:24PM 12 right-hand corner.

12:24PM 13 BY MR. INCIONG:

12:24PM 14 Q So this is the -- near the same area where you were pulled
12:24PM 15 over by the police in May of 2018?

12:24PM 16 A Yes.

12:24PM 17 Q So Windward City Shopping Center is there where the red
12:24PM 18 dot is?

12:24PM 19 A Yes.

12:24PM 20 Q Did the -- what were you doing at Windward City Shopping
12:24PM 21 Center that day?

12:24PM 22 A Drinking in the parking lot that night.

12:24PM 23 Q How did you become aware of the accident?

12:24PM 24 A We were by McDonald's and the accident was right across
12:24PM 25 the street.

12:24PM 1 Q Did you see or hear it?

12:24PM 2 A Yeah, we heard it first. Nobody seen it.

12:25PM 3 Q What did you do?

12:25PM 4 A And then we seen it after we heard it.

12:25PM 5 Q Okay. So did you go -- have to go closer to see it or

12:25PM 6 could you see it from where you were?

12:25PM 7 A We ran across the street.

12:25PM 8 Q What did you see when you got there?

12:25PM 9 A The car was totalled.

12:25PM 10 MR. INCIONG: Could we publish, please, Exhibit 2-164,

12:25PM 11 previously admitted from our 15th supplemental list?

12:25PM 12 THE COURT: Go ahead.

12:25PM 13 BY MR. INCIONG:

12:25PM 14 Q Mr. Wilson, do you recognize what's shown in the photo

12:25PM 15 marked 2-164?

12:25PM 16 A Yes.

12:25PM 17 Q What is shown there?

12:25PM 18 A The car that was in the accident.

12:25PM 19 Q Was there more than one vehicle involved?

12:25PM 20 A Yes.

12:25PM 21 Q Now, when you got there, were there any first responders,

12:25PM 22 police or anything yet?

12:25PM 23 A No.

12:25PM 24 Q So this photo has some -- you can see the police car in

12:25PM 25 the back, correct?

12:25PM 1 A Yes.

12:25PM 2 Q And you see it looks like a fireman or a policeman with

12:26PM 3 a -- some sort of equipment in the front. Were those -- were

12:26PM 4 those there when you arrived?

12:26PM 5 A No.

12:26PM 6 Q Where did you go when you first arrived?

12:26PM 7 A We ran kind of by where that bucket and the bumper is from

12:26PM 8 across the street.

12:26PM 9 Q So this is the angle that you came up on to the -- the

12:26PM 10 accident scene?

12:26PM 11 A Yes.

12:26PM 12 Q But when -- did you go right up to the vehicle that's

12:26PM 13 shown there that's in -- what's left of the vehicle, I guess?

12:26PM 14 A No. Somebody else, I forget who it was, was there, but

12:26PM 15 somebody else ran up close and said, Jonathan Fraser was in the

12:26PM 16 car.

12:26PM 17 Q You knew Jonathan Fraser?

12:26PM 18 A Yes.

12:26PM 19 Q Were you in a position to see whether in fact it was him

12:26PM 20 or not?

12:26PM 21 A I didn't have a clear view.

12:26PM 22 Q Okay. Did you see from where you were where the person

12:26PM 23 that you thought might be Jonathan Fraser was in the car?

12:26PM 24 A The passenger seat.

12:26PM 25 Q You didn't get any closer than that?

12:27PM 1 A No.

12:27PM 2 Q Did you talk to Jake Smith about what you had seen at that
12:27PM 3 accident scene?

12:27PM 4 A Yeah.

12:27PM 5 Q Did he tell you anything about that?

12:27PM 6 A "Don't talk to the cops."

12:27PM 7 Q Why did he say that?

12:27PM 8 A At the time I'm not sure.

12:27PM 9 Q Did Jake tell you anything about Jonathan Fraser in
12:27PM 10 relation to Michael Miske?

12:27PM 11 A No.

12:27PM 12 Q Did he tell you anything about a watch?

12:27PM 13 A Yes, later.

12:27PM 14 Q Okay. How much later are we talking about?

12:27PM 15 A Like maybe a month or so into when I started living in
12:27PM 16 Kalihi.

12:27PM 17 Q Okay. What did he tell you about this watch?

12:27PM 18 MR. KENNEDY: Objection. Hearsay within hearsay, Your
12:27PM 19 Honor.

12:27PM 20 THE COURT: Sustained.

12:27PM 21 It's at 12:30. We're going to go ahead and take our
12:27PM 22 second break of the trial day at this point. We are getting
12:27PM 23 very late in the day.

12:27PM 24 As we do so, I'll remind our jurors to please refrain
12:27PM 25 from discussing the substance of this case with anyone,

12:27PM 1 including each another; to refrain from accessing any media or
12:27PM 2 other accounts of this case that may be out there; and finally,
12:27PM 3 please do not conduct your own investigation into anything
12:28PM 4 relating to this case.

12:28PM 5 (Proceedings were recessed at 12:28 p.m. to 12:52
12:52PM 6 p.m.)

12:52PM 7 THE COURT: All right. We have about 40 minutes left
12:52PM 8 in the trial day.

12:52PM 9 Mr. Inciong, you may resume the direct examination of
12:53PM 10 Mr. Wilson.

12:53PM 11 MR. INCIONG: Thank you, Your Honor.

12:53PM 12 BY MR. INCIONG:

12:53PM 13 Q Mr. Wilson, earlier I had asked you about whether you had
12:53PM 14 ever -- ever gone to the M Nightclub or met Mr. Miske, and I
12:53PM 15 believe you had said that you -- you wanted to stay out of the
12:53PM 16 mix. Is that your answer?

12:53PM 17 A Yes.

12:53PM 18 Q Could you explain to the jury what you meant by that?

12:53PM 19 A There's too much people at the M, and that was never
12:53PM 20 really my scene to go to clubs. I was into doing drugs and
12:53PM 21 selling drugs.

12:53PM 22 Q Okay. You also mentioned that you were living at one
12:53PM 23 point with Jake Smith at a house in Kalihi.

12:53PM 24 A Yes.

12:53PM 25 Q Do you recall that being in the summer of 2016?

12:53PM 1 A Yes.

12:53PM 2 Q Do you recall being present there when Jake Smith, Lance
12:53PM 3 Bermudez and James Salas were having a conversation regarding
12:53PM 4 Jonathan Fraser?

12:53PM 5 A Yes.

12:53PM 6 Q What was the nature of that conversation?

12:53PM 7 MR. KENNEDY: Objection. Hearsay. Could we approach?

12:54PM 8 THE COURT: No, you don't need to approach. It's
12:54PM 9 sustained.

12:54PM 10 MR. INCIONG: Present -- or coconspirator statement,
12:54PM 11 Your Honor.

12:54PM 12 BY MR. INCIONG:

12:54PM 13 Q Do you know Lindsey Kinney?

12:54PM 14 A Yes.

12:54PM 15 MR. INCIONG: Could we publish Exhibit 1-62, please,
12:54PM 16 previously admitted from our original list?

12:54PM 17 THE COURT: Yes.

12:54PM 18 BY MR. INCIONG:

12:54PM 19 Q Do you recognize this person?

12:54PM 20 A Yes.

12:54PM 21 Q How do you know Lindsey Kinney?

12:54PM 22 A He is from Kahaluu. I've smoked weed with him, drank with
12:54PM 23 him before.

12:54PM 24 Q Did Jake Smith discuss with you ever an accident with --
12:54PM 25 with Lindsey Kinney at Kualoa Ranch?

12:54PM 1 A Briefly.

12:54PM 2 Q What did he say?

12:54PM 3 MR. KENNEDY: Objection. Hearsay.

12:54PM 4 THE COURT: Sustained.

12:54PM 5 BY MR. INCIONG:

12:54PM 6 Q Have you ever been in any sort of gang, Mr. Hunter --

12:54PM 7 Mr. Wilson?

12:54PM 8 A No.

12:54PM 9 Q Are you aware or have you ever heard of the USO gang?

12:54PM 10 A I heard.

12:54PM 11 Q Have you ever been affiliated with that gang?

12:55PM 12 A No.

12:55PM 13 Q Have you heard of the Nakipi Motorcycle Club?

12:55PM 14 A Yes.

12:55PM 15 Q Have you ever been a member affiliated with that gang?

12:55PM 16 A No.

12:55PM 17 Q Have you ever heard the La Familia gang?

12:55PM 18 A Yes.

12:55PM 19 Q Have you ever been a member affiliated with that gang?

12:55PM 20 A No.

12:55PM 21 Q Have you heard of the North Shore Boys?

12:55PM 22 A Yes.

12:55PM 23 Q Have you ever been a member or been affiliated with that
12:55PM 24 gang?

12:55PM 25 A No.

12:55PM 1 Q Were any of the crimes you committed in furtherance of the
12:55PM 2 Miske Enterprise in relation to any of those gangs I just
12:55PM 3 mentioned?

12:55PM 4 A No.

12:55PM 5 Q In your plea agreement, did you -- did it contain what's
12:55PM 6 called a cooperation provision or cooperation agreement?

12:55PM 7 A Yes.

12:55PM 8 Q What was your understanding as to what that required?

12:55PM 9 A Cooperate with the feds to tell the truth about a
12:55PM 10 situation, the situation.

12:55PM 11 Q Are you testifying today voluntarily?

12:56PM 12 A Yeah, I voluntary to testify today.

12:56PM 13 Q Has anyone coerced you in order to get you to testify
12:56PM 14 today?

12:56PM 15 A No.

12:56PM 16 Q Have you been promised any sort of benefit in order to
12:56PM 17 testify?

12:56PM 18 A No.

12:56PM 19 Q Have you been promised any sort of reduced sentence?

12:56PM 20 A No.

12:56PM 21 Q Are you hoping to gain a reduced sentence in this case?

12:56PM 22 A Yes.

12:56PM 23 Q Has that been guaranteed to you in any way?

12:56PM 24 A No.

12:56PM 25 Q What is your understanding of how and who will determine

12:56PM 1 whether in fact you do get a reduced sentence?

12:56PM 2 A It's all up to the judge when I get sentenced.

12:56PM 3 Q Have you prepared yourself for the possibility that you

12:56PM 4 may have to serve prison time in this case?

12:56PM 5 A Yes.

12:56PM 6 Q Do you have a plan for when you get out of prison?

12:56PM 7 A Yes.

12:56PM 8 Q Have you done research as to possible programs you might

12:56PM 9 be able to take advantage while you're in prison?

12:56PM 10 A Yes.

12:56PM 11 Q What kind of programs have you look into?

12:56PM 12 A Welding and HVAC.

12:57PM 13 Q Prior to getting in trouble, did you have any professional

12:57PM 14 licenses that you had obtained?

12:57PM 15 A Real estate.

12:57PM 16 Q Is that something you are still interested in as well when

12:57PM 17 you get out?

12:57PM 18 A Maybe.

12:57PM 19 MR. INCIONG: Nothing further, Your Honor.

12:57PM 20 THE COURT: Cross-examination.

12:57PM 21 CROSS-EXAMINATION

12:57PM 22 BY MR. KENNEDY:

12:57PM 23 Q Good afternoon, sir.

12:57PM 24 A Good afternoon.

12:57PM 25 Q When did you graduate from Castle High?

12:57PM 1 A I graduated from Kahuku.

12:57PM 2 Q Oh, did you. When did you graduate from high school then?

12:57PM 3 A 2013.

12:57PM 4 Q Okay. So you said in 2013, what you started to do was

12:57PM 5 sell drugs and do drugs, correct?

12:57PM 6 A I was doing drugs when I was still in high school.

12:57PM 7 Q All right. So you started at 16. Did you start selling

12:57PM 8 drugs at 16 as well?

12:57PM 9 A Weed.

12:58PM 10 Q All right. Now, I'm going to ask you some questions about

12:58PM 11 that, and you understand that the government has given you

12:58PM 12 what's called a proffer agreement, correct?

12:58PM 13 A Yes.

12:58PM 14 Q So everything that you told them back in 2020 and the

12:58PM 15 things you're testifying about now can't be used against you to

12:58PM 16 increase your sentence, right?

12:58PM 17 A Yes.

12:58PM 18 Q Okay. So I'm going to ask you some questions about that

12:58PM 19 then. So you began selling weed in high school, right?

12:58PM 20 A Yes.

12:58PM 21 Q And then you moved towards selling ice, right?

12:58PM 22 A Yes.

12:58PM 23 Q Methamphetamine, correct?

12:58PM 24 A Yes.

12:58PM 25 Q All right. And so you mentioned that Jake Smith was

12:58PM 1 someone that you went to high school with.

12:58PM 2 A I didn't go to high school with him. I hung around him in

12:58PM 3 high school.

12:58PM 4 Q You hung around with him in high school. Okay.

12:58PM 5 All right. And so when you got with Jake Smith, you

12:58PM 6 said the things that the two of you did was do drugs, sell

12:58PM 7 drugs, and rob people, correct?

12:58PM 8 A Yes.

12:58PM 9 Q All right. Now, in terms of quantity, let me ask you a

12:59PM 10 little bit about that. Now, in 2016 you moved back to Oahu

12:59PM 11 from the Big Island, correct?

12:59PM 12 A Yes.

12:59PM 13 Q All right. So when did you go to the Big Island?

12:59PM 14 A 2014. Late 2014.

12:59PM 15 Q Okay. So between that time in 2013 and 2016, you had been

12:59PM 16 selling drugs during that time, correct?

12:59PM 17 A Yeah, before I moved to Big Island.

12:59PM 18 Q So before you moved to the Big Island, you were selling

12:59PM 19 drugs, correct?

12:59PM 20 A Yes.

12:59PM 21 Q You moved over there in 2014, correct?

12:59PM 22 A Yes.

12:59PM 23 Q You sold drugs over there as well?

12:59PM 24 A No.

12:59PM 25 Q You moved back in 2016, correct?

12:59PM 1 A Yes.

12:59PM 2 Q And you moved in with a friend, right?

12:59PM 3 A Yes.

01:00PM 4 Q Brandon Ota, right?

01:00PM 5 A Yes.

01:00PM 6 Q And was the other person Tyson?

01:00PM 7 A Yes.

01:00PM 8 Q And what was Tyson's last name?

01:00PM 9 A Nobriga.

01:00PM 10 Q Nobriga. And so this is the same Brandon Ota that you

01:00PM 11 ended up getting charged with robbing him and what you said was

01:00PM 12 a gun charge, right?

01:00PM 13 A Yes.

01:00PM 14 Q Okay. So at that time you were selling marijuana in the

01:00PM 15 Kaneohe area, right?

01:00PM 16 A Yes.

01:00PM 17 Q And during that time Jake Smith, you were -- you said that

01:00PM 18 you were paying him during that time \$500 to maybe \$1,000 a

01:00PM 19 week --

01:00PM 20 A Yes.

01:00PM 21 Q -- for the privilege to sell marijuana in Kaneohe,

01:00PM 22 correct?

01:00PM 23 A Yes.

01:00PM 24 Q And others were paying him similar amounts to be able to

01:00PM 25 sell in Kaneohe, correct?

01:00PM 1 A Yes.

01:00PM 2 Q Because Jake Smith was the person who was himself getting
01:00PM 3 that money and controlling that market, right?

01:00PM 4 A Yes.

01:00PM 5 Q And that's one of the ways Jake Smith was making his money
01:01PM 6 in 2016, correct?

01:01PM 7 A Yes.

01:01PM 8 Q All right. And so that continued for a time, and so with
01:01PM 9 respect to that, you were paying him in a month's time maybe
01:01PM 10 2,000 or \$4,000 a month, right?

01:01PM 11 A Yes.

01:01PM 12 Q And so that was money that you had to take out of the
01:01PM 13 money that you were profiting from your drug sales, right?

01:01PM 14 A Yes.

01:01PM 15 Q And I believe you said that during that time you had about
01:01PM 16 a 200 to \$300 a day habit, correct?

01:01PM 17 A Yes.

01:01PM 18 Q And so I don't want to step it out too far, but is it fair
01:01PM 19 to say that that would be at least five days out of a seven-day
01:01PM 20 week you'd have to pay that amount?

01:01PM 21 A Close to it, yeah.

01:01PM 22 Q Okay. So somewhere between 1,000 and \$1500 just for your
01:01PM 23 habit, right?

01:01PM 24 A Yes.

01:02PM 25 Q Okay. Now, you continued in 2016, and eventually with

01:02PM 1 Brandon Ota and Tyson, you mentioned you were familiar with

01:02PM 2 that house, right?

01:02PM 3 A Yes.

01:02PM 4 Q You were familiar with the house because you had lived

01:02PM 5 there, right?

01:02PM 6 A For a little bit, yes.

01:02PM 7 Q And eventually you got kicked out of that house, correct?

01:02PM 8 A I didn't get kick out. I left.

01:02PM 9 Q Eventually you left, correct?

01:02PM 10 A Yes.

01:02PM 11 Q And at that time you left and you moved in with Jason

01:02PM 12 (verbatim) Smith at the Kalihi house, right?

01:02PM 13 A Jake Smith.

01:02PM 14 Q Jake Smith.

01:02PM 15 A Yes.

01:02PM 16 Q Thank you for correcting me.

01:02PM 17 So that was the time period where one of the charges

01:02PM 18 and another charge comes, that's the time period where you gave

01:02PM 19 the information to Jake on where Brandon Ota, your friend, kept

01:02PM 20 his drugs, right?

01:02PM 21 A Yes.

01:02PM 22 Q How to get into the house, right?

01:02PM 23 A Yes.

01:02PM 24 Q Where a chain would be to rob?

01:02PM 25 A No.

01:03PM 1 Q All right. And so Brandon Ota -- were you on the phone
01:03PM 2 while they were doing it, if Brandon Ota recognized your voice?
01:03PM 3 A I was not on the phone with them.
01:03PM 4 Q You were not on the phone.
01:03PM 5 A No, they called me before they went in.
01:03PM 6 Q Okay. So right before they went in, you were on the phone
01:03PM 7 with them?
01:03PM 8 A Yes.
01:03PM 9 Q Telling them how to get in, correct?
01:03PM 10 A Yes.
01:03PM 11 Q So it wasn't that you just told them about it and they
01:03PM 12 went and did it, you were active with them while they were
01:03PM 13 doing it, right?
01:03PM 14 A No.
01:03PM 15 Q You were on phone with them telling them how to get in,
01:03PM 16 right?
01:03PM 17 A Yeah, when they were in the car.
01:03PM 18 Q All right. So you knew because you were living with them
01:03PM 19 that they left armed, right?
01:03PM 20 A I wasn't there, so I wouldn't know if they were armed.
01:03PM 21 Q And that's why you were charged with an armed robbery,
01:03PM 22 right?
01:03PM 23 A No, because I was -- I didn't know they were armed at the
01:03PM 24 time.
01:03PM 25 Q Well, I -- I heard that you were charged with a federal

01:03PM 1 armed robbery --

01:03PM 2 A Yes.

01:03PM 3 Q -- what's called a Hobbs robbery.

01:03PM 4 A Yes.

01:03PM 5 Q And that's one of the rob -- that's one of the charges

01:04PM 6 that was dismissed, right?

01:04PM 7 A Yes.

01:04PM 8 Q And you have counsel, Mr. Andrew Kennedy, and he explained

01:04PM 9 to you I'm sure that that could be up to 20 years, right?

01:04PM 10 A Yes.

01:04PM 11 Q Okay. And you knew that you had participated by helping

01:04PM 12 three people go in and rob your friend, right?

01:04PM 13 A Yes.

01:04PM 14 Q Okay. And you don't know whether they brought in

01:04PM 15 semiautomatic, fully automatic, what type of weaponry, correct?

01:04PM 16 A Yes, I --

01:04PM 17 Q When you got the discovery, did you ever see a picture of

01:04PM 18 Brandon Ota, what he looked like after that robbery?

01:04PM 19 A No.

01:04PM 20 Q All right. Now, I also know that with respect to that

01:04PM 21 robbery you said that you had a couple of gun charges, right?

01:04PM 22 A Yes.

01:04PM 23 Q So one of the gun charges with that robbery is using or

01:04PM 24 carrying a firearm during in relation to a crime of violence,

01:05PM 25 correct?

01:05PM 1 A Yes.

01:05PM 2 Q That robbery, right? And so Mr. Inciong asked you a
01:05PM 3 question, but are you aware -- I'm sure Mr. Andrew Kennedy told
01:05PM 4 you that if you're brandishing, showing the gun, striking
01:05PM 5 someone with a gun, that's seven years consecutive to any other
01:05PM 6 time you do mandatory, correct?

01:05PM 7 A Yes.

01:05PM 8 Q And so that seven years, the judge has no authority to
01:05PM 9 reduce that for that charge. It has to be consecutive,
01:05PM 10 correct?

01:05PM 11 A Yes.

01:05PM 12 Q All right. Now, in addition to the -- you had a second
01:05PM 13 gun charge as well, right?

01:05PM 14 A Yes.

01:05PM 15 Q And that related to the drug distribution that you were
01:05PM 16 doing, correct?

01:05PM 17 A Yes.

01:05PM 18 Q And that one was another five years consecutive, correct?

01:05PM 19 A Yes.

01:05PM 20 Q So that's 22 -- that's 12 years, seven plus five, that you
01:05PM 21 knew going into this you'd have to do after you spoke with your
01:05PM 22 lawyer, right?

01:05PM 23 A Yes.

01:05PM 24 Q Okay. Now -- so each one of those three charges have been
01:06PM 25 dismissed in terms of your plea agreement, right?

01:06PM 1 A Yes.

01:06PM 2 Q So for that you don't have to do those 12 additional
01:06PM 3 years, right?

01:06PM 4 A Yes.

01:06PM 5 Q And whatever you would have to do for the robbery, right?

01:06PM 6 A Yes.

01:06PM 7 Q Okay. Now, the drug charge that you pled to you said
01:06PM 8 carries a minimum of ten years, right?

01:06PM 9 A Yes.

01:06PM 10 Q And a maximum of life, right?

01:06PM 11 A Yes.

01:06PM 12 Q And it can -- can include any drug activity during the
01:06PM 13 time of the charge, right?

01:06PM 14 A Yes.

01:06PM 15 Q And so you've talked about getting out of high school and
01:06PM 16 basically doing drugs and selling drugs, right?

01:06PM 17 A Yes.

01:06PM 18 Q And you talked about it in terms of pound quantities of
01:06PM 19 ice, correct?

01:06PM 20 A Yes.

01:06PM 21 Q Over a period of many years, right?

01:06PM 22 A Yes.

01:06PM 23 Q Okay. Now, when you were arrested, how old were you, sir?

01:07PM 24 A Twenty-four.

01:07PM 25 Q Twenty-four. So at that time, trying to make it real, if

01:07PM 1 you were -- had 12 years consecutive and a mandatory minimum of
01:07PM 2 ten years, you were looking at 22 years as a 24-year-old,
01:07PM 3 right?
01:07PM 4 A Yes.
01:07PM 5 Q All right. Now, you entered into a proffer agreement and
01:07PM 6 agreed to cooperate, correct?
01:07PM 7 A Yes.
01:07PM 8 Q All right. And you were asked if you're here voluntarily,
01:07PM 9 right?
01:07PM 10 A Yes.
01:07PM 11 Q You are here because if you refuse, you violate your plea
01:07PM 12 agreement, right?
01:07PM 13 A Yes.
01:07PM 14 Q And so that's one of the requirements to have an ability
01:07PM 15 to get a sentence below ten years, right?
01:07PM 16 A Yes.
01:07PM 17 Q And so you are out of custody right now, correct?
01:07PM 18 A Yes.
01:07PM 19 Q And so how long were you at the Federal Detention Center?
01:07PM 20 A I would say like couple of weeks.
01:08PM 21 Q Couple of weeks. You can ask never to go back into
01:08PM 22 custody, can't you, under your agreement?
01:08PM 23 A No.
01:08PM 24 Q You can't do that? There's no floor on your sentence, is
01:08PM 25 there, sir?

01:08PM 1 MR. INCIONG: Objection. Misstates the facts.

01:08PM 2 THE COURT: Sustained.

01:08PM 3 BY MR. KENNEDY:

01:08PM 4 Q With respect to your agreement, it does at this point,
01:08PM 5 however, if the government makes a motion to the Court that you
01:08PM 6 have provided substantial assistance, then the Court has the
01:08PM 7 ability to sentence you to less than ten years, correct?

01:08PM 8 A Yes.

01:08PM 9 Q And there is no other floor below that. You can ask for
01:08PM 10 whatever you and your lawyer decide, and the judge will make
01:08PM 11 the final decision, correct?

01:08PM 12 A Yes.

01:08PM 13 Q All right. Now, you were asked a little bit about --
01:08PM 14 well, let me just ask you up front. You never met Michael
01:09PM 15 Miske, correct?

01:09PM 16 A No.

01:09PM 17 Q Never spoken with him, correct?

01:09PM 18 A No.

01:09PM 19 Q First time you've ever been in the same room with him?

01:09PM 20 A Yes.

01:09PM 21 Q All right. Now, with Jake Smith, you were asked some
01:09PM 22 questions about some of your dealings with him. And so -- one
01:09PM 23 of those questions was about a game room in Mapunapuna. Do you
01:09PM 24 recall that?

01:09PM 25 A Yes.

01:09PM 1 Q And so from that robbery, Jake Smith you said went in,
01:09PM 2 tied some people up and got money, right?
01:09PM 3 A Yes.
01:09PM 4 Q \$60,000 from that, right?
01:09PM 5 A Yes.
01:09PM 6 Q And so that's how Jake Smith made his money by taxing
01:09PM 7 people, correct?
01:09PM 8 A Yes.
01:09PM 9 Q By robbing people, correct?
01:09PM 10 A Yes.
01:09PM 11 Q By robbing game rooms, right?
01:10PM 12 A Yes.
01:10PM 13 Q And by selling drugs, right?
01:10PM 14 A Yes.
01:10PM 15 Q And so one of the areas that you were asked about was Jake
01:10PM 16 Smith was supplying you as your major supplier, right?
01:10PM 17 A Yes.
01:10PM 18 Q And he was supplying pound quantities of ice to you to
01:10PM 19 sell, right?
01:10PM 20 A Yes.
01:10PM 21 Q And he was selling pound quantities himself, right?
01:10PM 22 A Yes.
01:10PM 23 Q And you were selling pound quantities yourself, right?
01:10PM 24 A I was -- yeah.
01:10PM 25 Q And -- and both of you were selling to Tim Taboada at the

01:10PM 1 same time, right?

01:10PM 2 A Yes.

01:10PM 3 Q And you said that Jake Smith then slapped you around,

01:10PM 4 correct?

01:10PM 5 A Yes.

01:10PM 6 Q Because Jake Smith decided what you could do and not do

01:10PM 7 with your drug dealing, correct?

01:10PM 8 A Yes.

01:10PM 9 Q And so whether it was pay him money or who was going to be

01:10PM 10 the person you can sell to, that was Jake Smith telling you,

01:10PM 11 right?

01:10PM 12 A Yes.

01:10PM 13 Q And there were others that Jake Smith was doing the same

01:11PM 14 thing with, correct?

01:11PM 15 A Yes.

01:11PM 16 Q All right. Now, you were asked some questions about

01:11PM 17 gangs. You were asked were you aware of USO. Do you recall

01:11PM 18 that?

01:11PM 19 A Yes.

01:11PM 20 Q And you said you were aware of them, but you were never a

01:11PM 21 member, right?

01:11PM 22 A Yes.

01:11PM 23 Q You were asked about Nakipi Motorcycle gang, correct?

01:11PM 24 A Yes.

01:11PM 25 Q And you said you were aware of them, but you weren't a

01:11PM 1 member, right?

01:11PM 2 A Yes.

01:11PM 3 Q So you -- you were aware of them, so you knew that Lindsey

01:11PM 4 Kinney was part of the Nakipi Motorcycle gang, correct?

01:11PM 5 A Yes.

01:11PM 6 Q You knew that Norman Akau was, correct?

01:11PM 7 A Yes.

01:11PM 8 Q And you knew that Zeph Salas was, correct?

01:11PM 9 A Yes.

01:11PM 10 Q All right. You just weren't part of that, right?

01:11PM 11 A Yes.

01:11PM 12 Q All right. You were asked about La Familia, correct?

01:11PM 13 A Yes.

01:11PM 14 Q And you said you were aware of it, but you weren't a part

01:11PM 15 of it, right?

01:11PM 16 A Yes.

01:11PM 17 Q But you knew Jake Smith was, right?

01:11PM 18 A Yes.

01:11PM 19 Q And you knew Turtle was, right?

01:11PM 20 A No.

01:11PM 21 Q And you knew that when you were asked a question about

01:12PM 22 James Salas and -- and Jacob Smith, correct?

01:12PM 23 A Yes.

01:12PM 24 Q And you said something about Jake Smith being upset that

01:12PM 25 James Salas had robbed his house, right?

01:12PM 1 A Yes.

01:12PM 2 Q And this would have been a period of time where Jake was
01:12PM 3 in custody?

01:12PM 4 A Yes.

01:12PM 5 Q And so during that time you said that Mr. Smith, Jake
01:12PM 6 Smith was upset, right?

01:12PM 7 A Yes.

01:12PM 8 Q And that you -- you mentioned something about James Salas
01:12PM 9 being roughed up or beat up?

01:12PM 10 A Yes.

01:12PM 11 Q What you told the government is that Jake Smith put a hit
01:12PM 12 on James Salas, and La Familia killed him in custody, didn't
01:12PM 13 you?

01:12PM 14 A Yeah.

01:12PM 15 Q Now, you were asked about the North Shore Boys.

01:12PM 16 A Yes.

01:12PM 17 Q You -- when you left Oahu, you moved over to the Big
01:12PM 18 Island for a bit, and then you came back in 2017; is that
01:13PM 19 right?

01:13PM 20 A '16.

01:13PM 21 Q Okay. Was it around the 2017 time period when you were up
01:13PM 22 at the -- the North Shore?

01:13PM 23 A Yes.

01:13PM 24 Q Okay. And so you became familiar with the North Shore
01:13PM 25 Boys up there, correct?

01:13PM 1 A Yes.

01:13PM 2 Q In particular, Keli'i Young, correct?

01:13PM 3 A Yes.

01:13PM 4 Q Who otherwise sometimes goes by Keli'i Foster, right?

01:13PM 5 A Yes.

01:13PM 6 Q And they were selling drugs, right?

01:13PM 7 A Yes.

01:13PM 8 Q And Keli'i Young controlled up there who got to sell

01:13PM 9 drugs, right?

01:13PM 10 A Yes.

01:13PM 11 Q And you went with him on numerous occasions where he

01:13PM 12 picked up drugs of pound quantities, correct?

01:13PM 13 A Yes.

01:13PM 14 Q When he was supplying you during that time, correct?

01:13PM 15 A Here and there, yes.

01:13PM 16 Q Here and there, right. And so La Familia is something

01:13PM 17 that's real in prison and on the outside, isn't it?

01:13PM 18 A Mostly just prison.

01:13PM 19 Q Mostly just prison. But folks go in, they go out, they

01:14PM 20 stay La Familia, don't they?

01:14PM 21 A Yes.

01:14PM 22 Q The North Shore Boys is real in that area in terms of the

01:14PM 23 drug trade, correct?

01:14PM 24 A Yes.

01:14PM 25 Q And the North Shore Boys are the ones that are providing

01:14PM 1 protection, correct?

01:14PM 2 A To who?

01:14PM 3 Q So themselves in their drug trade, correct?

01:14PM 4 A Yes.

01:14PM 5 Q La Familia, Mr. Smith was providing his own protection in

01:14PM 6 his drug trade, correct?

01:14PM 7 A Yes.

01:14PM 8 Q With his fists, yes?

01:14PM 9 A Yes.

01:14PM 10 Q With his kicks, yes?

01:14PM 11 A Yes.

01:14PM 12 Q And with his guns, right?

01:14PM 13 A I didn't see him shoot nobody, but --

01:14PM 14 Q You didn't see him shoot nobody, but you saw him with

01:14PM 15 guns, right?

01:14PM 16 A Yeah.

01:14PM 17 Q All right. So he and his La Familia members, that was

01:14PM 18 their protection, correct?

01:14PM 19 A Okay.

01:14PM 20 Q Now, there was a period of time that you and Jake Smith

01:15PM 21 broke off in terms of your collective drug dealing, correct?

01:15PM 22 A Yes.

01:15PM 23 Q And so you continued to sell drugs during that time

01:15PM 24 period, correct?

01:15PM 25 A Yes.

01:15PM 1 Q Right up until the time you were arrested, right?

01:15PM 2 A No.

01:15PM 3 Q Up to -- when did you stop?

01:15PM 4 A Stopped selling crystal meth in 2018.

01:15PM 5 Q Okay. Stopped selling crystal meth in 2018. And let me
01:15PM 6 ask you some questions about that.

01:15PM 7 So you were in the Kaneohe area, right?

01:15PM 8 A Yes.

01:15PM 9 Q You were right by Castle High School, correct?

01:15PM 10 A Yes.

01:15PM 11 Q And you got pulled over by a marked unit, right?

01:15PM 12 A Yes.

01:15PM 13 Q And an unmarked police car, right?

01:15PM 14 A Yes.

01:15PM 15 Q Police officers came over to you, and eventually they got
01:15PM 16 in and searched in the trunk, right?

01:15PM 17 A Yes.

01:15PM 18 Q And you had two pounds of crystal meth that you had stolen
01:15PM 19 from Eddie Wong, right?

01:15PM 20 A Yes.

01:15PM 21 Q Eddie Wong was another supplier of you, right?

01:15PM 22 A Yes.

01:15PM 23 Q You saw him put a backpack into his car, right?

01:15PM 24 A Yes.

01:15PM 25 Q And so when he wasn't looking, you stole the backpack, you

01:15PM 1 had the two pounds, right?

01:16PM 2 A Yes.

01:16PM 3 Q And you were going to sell to Timmy Taboada, right?

01:16PM 4 A Yes.

01:16PM 5 Q And you were going to give him a discount, rather than --

01:16PM 6 I think it was ten to \$12,000 per pound, right?

01:16PM 7 A Yes.

01:16PM 8 Q Either twenty to 24,000, right?

01:16PM 9 A Yes.

01:16PM 10 Q You were going to sell it to him for 8,000, so you'd only

01:16PM 11 walk away with 16,000, right?

01:16PM 12 A Yes.

01:16PM 13 Q Okay. And all of sudden, the CRU members take the drugs,

01:16PM 14 right?

01:16PM 15 A Yes.

01:16PM 16 Q And you thought you were getting robbed, right?

01:16PM 17 A Yes.

01:16PM 18 Q And so the government mentioned when they questioned you

01:16PM 19 that you made a number of phone calls after that, and you were

01:16PM 20 really surprised, right?

01:16PM 21 A Yes.

01:16PM 22 Q It was like this weird thing happened, I got pulled over,

01:16PM 23 they pulled out two pounds, and I didn't go to jail, right?

01:16PM 24 A Yes.

01:16PM 25 Q Only later did you find out that they had a wiretap on

01:16PM 1 you, correct?

01:16PM 2 A Yes.

01:16PM 3 Q And that they had been wiretapping Jake Smith, correct?

01:16PM 4 A Yes.

01:16PM 5 Q Wiretapping Tim Taboada, correct?

01:16PM 6 A Yes.

01:16PM 7 Q Wiretapping you, right?

01:17PM 8 A Yes.

01:17PM 9 Q And you were aware that Jake Smith also got drugs from an

01:17PM 10 individual that you knew as Nico, right?

01:17PM 11 A Yes.

01:17PM 12 Q Did you know Nico's last name?

01:17PM 13 A No.

01:17PM 14 Q Okay. So were you aware when you -- after you were

01:17PM 15 arrested that those were all the folks that you were targets of

01:17PM 16 these wiretaps, right?

01:17PM 17 A Yes.

01:17PM 18 Q So they knew you were going to Tim Taboada's house when

01:17PM 19 they pulled you over because they were listening to your calls,

01:17PM 20 right?

01:17PM 21 A Yes.

01:17PM 22 Q And you found that out later, right?

01:17PM 23 A Yes.

01:17PM 24 Q When you got your discovery, did you see they never had a

01:17PM 25 wiretap on Mr. Miske, did they?

01:17PM 1 A No. I didn't see that.

01:17PM 2 Q You've never talked to him on the phone, correct?

01:17PM 3 A No.

01:17PM 4 Q You've never texted him on the phone?

01:17PM 5 A No.

01:17PM 6 Q And as you said, this is the first time you've ever been

01:17PM 7 in the same room with him?

01:17PM 8 A Yes.

01:17PM 9 Q You were asked some questions about what Mr. Smith may

01:18PM 10 have told you after you went to the accident scene back in

01:18PM 11 November of 2015 where someone that you knew from Castle High

01:18PM 12 School, Jonathan Fraser, was involved. Do you recall that?

01:18PM 13 A Yes.

01:18PM 14 Q All right. And so what Mr. Smith told you was not to

01:18PM 15 cooperate because the Frasure family wanted to sue Mr. Miske

01:18PM 16 for the accident.

01:18PM 17 A Along those lines, yes.

01:18PM 18 Q That's what you told the government --

01:18PM 19 A Right.

01:18PM 20 Q -- and that's what Mr. Smith told you, correct?

01:18PM 21 A Yes.

01:18PM 22 Q Now, we talked about Mr. Smith selling drugs for a long

01:19PM 23 period of time, correct?

01:19PM 24 A Yes.

01:19PM 25 Q So the entire time you knew him, he was selling drugs,

01:19PM 1 right?

01:19PM 2 A Not the entire time. Not when we were in intermediate.

01:19PM 3 Q Intermediate, no, but by the time you're in high school,

01:19PM 4 yes?

01:19PM 5 A Yeah, late high school.

01:19PM 6 Q Okay. Late high school, all the way up.

01:19PM 7 And we're talking about him selling pound quantities
01:19PM 8 during the time you get out of high school, right?

01:19PM 9 A Yes.

01:19PM 10 Q And so the prices that you referred to, 10,000, \$12,000
01:19PM 11 per pound is what's being sold, right?

01:19PM 12 A Yes.

01:19PM 13 Q And so you've seen Jake Smith with a large amount of cash,
01:19PM 14 haven't you?

01:19PM 15 A Yeah.

01:19PM 16 Q And the robberies, you talked about the one at the game
01:19PM 17 room that netted him 60,000, right?

01:19PM 18 A Yes.

01:19PM 19 Q And you knew he had robbed other game rooms, right?

01:20PM 20 A Yes.

01:20PM 21 Q So that's how Mr. Smith made his money, correct?

01:20PM 22 A Yes.

01:20PM 23 Q All right. So Mr. Smith, Jake Smith was making thousands
01:20PM 24 and thousands of dollars in the drug trade, correct?

01:20PM 25 A Yes.

01:20PM 1 Q And Mr. Smith was keeping that money for himself, wasn't

01:20PM 2 he?

01:20PM 3 A He was spending it.

01:20PM 4 Q He was keeping it and spending it on himself, right?

01:20PM 5 A Yeah.

01:20PM 6 Q You, when you were in the drug trade during that time, you

01:20PM 7 were keeping it, spending it on yourself, and while you were an

01:20PM 8 addict, spending it on your addiction, right?

01:20PM 9 A Yes.

01:20PM 10 Q All right. Now, with respect to the charges that you pled

01:21PM 11 guilty to, you pled guilty to a charge that carries a minimum

01:21PM 12 of ten years to life, right?

01:21PM 13 A Yes.

01:21PM 14 Q And that's the conspiracy to distribute drugs, correct?

01:21PM 15 A Yes.

01:21PM 16 Q The government insisted you plead to the racketeering

01:21PM 17 charge, didn't it?

01:21PM 18 MR. INCIONG: Objection.

01:21PM 19 THE COURT: Sustained.

01:21PM 20 BY MR. KENNEDY:

01:21PM 21 Q You didn't decide what the offer was, did you?

01:21PM 22 A I knew what I was pleading to.

01:21PM 23 Q Yeah, you knew what you were plead guilty to, correct?

01:21PM 24 A Yes.

01:21PM 25 Q All right. Now, you pled to those two charges after you

01:21PM 1 had made a proffer where you had laid out from 2013 to 2018

01:21PM 2 your total of amount of sales for meth, correct?

01:22PM 3 A Yes.

01:22PM 4 Q During that time also the large amounts of marijuana that

01:22PM 5 you had also sold, correct?

01:22PM 6 A Yes.

01:22PM 7 Q And so by entering the proffer, if you told them

01:22PM 8 everything about that, then they couldn't use that against you

01:22PM 9 ever, correct?

01:22PM 10 A Yes.

01:22PM 11 Q And if you cooperate, and the government decides to make

01:22PM 12 the motion for substantial assistance, then you wouldn't be

01:22PM 13 looking at the minimum of ten years, correct?

01:22PM 14 A I would hope not.

01:22PM 15 Q And you would be in a position where you could have a

01:22PM 16 different life than you had up until the time you were 24,

01:22PM 17 correct?

01:22PM 18 A Yes.

01:22PM 19 Q If you paid the penalty for all that life by going away,

01:22PM 20 you might not have a life outside of prison, correct?

01:22PM 21 A Correct.

01:22PM 22 Q And you certainly don't want that life, do you?

01:23PM 23 A Nobody would.

01:23PM 24 Q Okay. The government asked you about work. What Jake

01:23PM 25 Smith said was simply that he would beat some people up for

01:23PM 1 Mr. Miske. That was it, correct?

01:23PM 2 A Yes.

01:23PM 3 Q That was the sum total, and if he testified that he got
01:23PM 4 \$5,500 from that, Jake Smith made more money on a single drug
01:23PM 5 transaction than that in a day, didn't he?

01:23PM 6 A Not really, because he had to pay for the drugs.

01:23PM 7 Q About a week?

01:23PM 8 A Yeah.

01:23PM 9 Q And he certainly got 60,000 out of robbing a game room,
01:23PM 10 right?

01:23PM 11 A Not all 60,000 himself.

01:23PM 12 Q No, he had to split it with the person he did it with, so
01:23PM 13 he got 30, right?

01:23PM 14 A Maybe even less.

01:23PM 15 Q He got more than 5,500, didn't he?

01:23PM 16 A Yeah.

01:23PM 17 Q So what Jake Smith was doing was selling drugs, robbing
01:24PM 18 people and taxing people, and giving orders as a La Familia
01:24PM 19 member, correct?

01:24PM 20 MR. INCIONG: Objection. Asked and answered,
01:24PM 21 argumentative.

01:24PM 22 THE COURT: Sustained.

01:24PM 23 MR. KENNEDY: Nothing further.

01:24PM 24 THE COURT: Redirect.

25

01:24PM 1 REDIRECT EXAMINATION

01:24PM 2 BY MR. INCIONG:

01:24PM 3 Q Mr. Wilson, what is the main requirement of both your

01:24PM 4 cooperation agreement and your proffer agreement?

01:24PM 5 A Tell the truth.

01:24PM 6 Q Have you told the truth here today?

01:24PM 7 A Yes.

01:24PM 8 Q Did you testify consistently with the information you

01:24PM 9 provided to the FBI and the proffer meetings that you had with

01:24PM 10 them?

01:24PM 11 A Yes.

01:24PM 12 Q What would happen if you were untruthful during your

01:24PM 13 testimony at this trial?

01:24PM 14 A It would violate my plea agreement.

01:24PM 15 Q And there would be no shot for you to get a reduced

01:24PM 16 sentence?

01:24PM 17 A Yes.

01:24PM 18 Q That's what you're hoping for, right?

01:24PM 19 A Yes.

01:24PM 20 Q Has that been promised to you in any way?

01:24PM 21 A No.

01:24PM 22 Q Did you plead guilty voluntarily in this case?

01:24PM 23 A Yes.

01:24PM 24 Q Did you understand all of the charges and consequences as

01:24PM 25 explained to your attorney?

01:24PM 1 A Yes.

01:25PM 2 Q You admitted to being part of the Miske Enterprise?

01:25PM 3 A Yes.

01:25PM 4 Q Even though you actually had never met Mr. Miske, correct?

01:25PM 5 A Yes.

01:25PM 6 Q Now, you were asked about Jake make -- making money

01:25PM 7 robbing people. That's true, right?

01:25PM 8 A Yes.

01:25PM 9 Q He also made money selling drugs, correct?

01:25PM 10 A Yes.

01:25PM 11 Q He also made money beating people up for Mike Miske,

01:25PM 12 right?

01:25PM 13 A Yes.

01:25PM 14 Q Who was protecting you when you were doing your drug

01:25PM 15 dealing?

01:25PM 16 A Jake.

01:25PM 17 Q Who was protecting Jake?

01:25PM 18 MR. KENNEDY: Speculation, Your Honor.

01:25PM 19 THE COURT: Overruled. Go ahead.

01:25PM 20 THE WITNESS: Jake himself and Miske.

01:25PM 21 BY MR. INCIONG:

01:25PM 22 Q Do you feel protected by Miske as well because of that?

01:25PM 23 A Somewhat, yes.

01:25PM 24 Q Even though you had never met him?

01:25PM 25 A Yes.

01:25PM 1 MR. INCIONG: Nothing further.

01:25PM 2 THE COURT: Mr. Kennedy, anything else?

01:25PM 3 RECROSS-EXAMINATION

01:25PM 4 BY MR. KENNEDY:

01:25PM 5 Q During that period of your life, Jake Smith protected you,
01:26PM 6 right?

01:26PM 7 A Yes.

01:26PM 8 Q He also broke your collarbone, right?

01:26PM 9 A Yes.

01:26PM 10 Q So Jake Smith, you said you had a love-hate relationship
01:26PM 11 with him, correct?

01:26PM 12 A Yes.

01:26PM 13 Q And it was Jake Smith who you dealt drugs with, correct?

01:26PM 14 A Yes.

01:26PM 15 Q Did drugs with, right?

01:26PM 16 A Yes.

01:26PM 17 Q And robbed people, correct?

01:26PM 18 A Yes.

01:26PM 19 MR. KENNEDY: Nothing further.

01:26PM 20 THE COURT: Mr. Wilson, you may step down. Thank you.

01:26PM 21 We have just a few minutes. By chance, anyone on your
01:26PM 22 list that we might be able to use the time for?

01:26PM 23 MR. AKINA: No, I think it might be better to wait.

01:26PM 24 THE COURT: All right. We will go ahead and adjourn
01:26PM 25 just a few minutes early for the trial day.

01:26PM 1 As we go to break, I will remind our jurors to refrain
01:26PM 2 from discussing the substance of this case with anyone,
01:26PM 3 including each another, until I advise otherwise; to refrain
01:26PM 4 from accessing any media or other accounts of this case that
01:26PM 5 may be out there; and finally, please do not conduct your own
01:27PM 6 investigation into anything relating to this case.

01:27PM 7 We'll see you tomorrow morning at 8:30, getaway day.

01:27PM 8 (Proceedings were concluded at 1:27 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,
5 true, and correct transcript from the stenographically reported
6 proceedings held in the above-entitled matter and that the
7 transcript page format is in conformance with the regulations
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, July 6, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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